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Francis Baily
AN *Commons*

ACT

FOR

BETTER PAVING, IMPROVING,
AND REGULATING

THE

STREETS OF THE METROPOLIS,

AND

REMOVING AND PREVENTING NUISANCES
AND OBSTRUCTIONS THEREIN.

[*Passed 16th June 1817.*]



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1820.

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ANNO QUINQUAGESIMO SEPTIMO

GEORGII III. Regis.

Cap. xxix.

An Act for better paving, improving, and regulating the Streets of the Metropolis, and removing and preventing Nuisances and Obstructions therein.

[16th June 1817.]

WHEREAS many of the Streets and public Places within that Part of the Metropolis which is situate within the Weekly Bills of Mortality, and the Parishes of *Saint Pancras* and *Saint Mary-le-bone*, in the County of *Middlesex*, are divided into parochial and other Districts, and are paved and repaired and regulated, and Obstructions and Nuisances therein are removed, under the Direction of certain Commissioners or Trustees, or other Persons appointed to superintend and regulate the same in each of such parochial or other Districts, by virtue of certain local Acts of Parliament; and the Pavements of many of such Streets and public Places are often in a State dangerous to Passengers, and frequently contain Nuisances and Obstructions which are offensive or injurious: And whereas it would materially tend to the remedying of such Defects in the Pavements, and such Nuisances, if more summary Means of compelling the speedy Reparation of the Pavements of such Streets and public Places, and of enforcing due Regulations as

to the various Water and Gas Companies and Commissioners of Sewers, by whom the Pavements of such Streets and public Places have been frequently displaced; and also if more adequate Funds and Authorities were given to the said several Commissioners, Trustees, and other Persons having the Superintendence and Regulation of the Pavements of such Streets and public Places; for which Purposes, may it please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That this Act and the Provisions herein contained shall extend to all Streets and public Places which are now paved, or which may be hereafter paved, within the Cities of *London* and *Westminster* and Borough of *Southwark*, and any other Parts of the Metropolis which are included within the Weekly Bills of Mortality, and to all Streets and public Places which are now paved, or which may be hereafter paved, within the Parishes of *Saint Pancras* and *Saint Mary-le-bone* in the said County of *Middlesex*, except only any Parts thereof which may be herein-after particularly excepted.

Act to extend to all Streets within the Metropolis, and the Bills of Mortality, and Pancras and Mary-le-bone.

Surveyors of Pavements to be appointed.

II. And be it further enacted, That within Two Calendar Months after the passing of this Act the Commissioners, Trustees, or other Persons having the Control of the Pavements of any Parish or other District included within the Operation of this Act, shall appoint One or more competent Person or Persons, being a Housekeeper or Housekeepers, and having an House or Houses, or an Office or Offices, within their several Parishes or other Districts, and to be and be called "The Surveyor" or "The Surveyors of the Pavements," within each of such respective Parishes or other Districts, and that such Person or Persons so to be appointed the Surveyor or Surveyors shall superintend

intend the Pavements of the several Parishes or other Districts to which he or they shall be so appointed by the Commissioners, Trustees, or other Persons having the Control of the Pavements therein, and shall observe and perform all the Duties imposed on Surveyors or Inspectors of Pavements by this Act, or by the several local Acts of Parliament whereby or by virtue whereof such Commissioners, Trustees, or other Persons shall have been and shall be appointed, and which they shall be from Time to Time directed to observe and perform by the several Commissioners, Trustees, or other Persons by whom they shall be so appointed; and also that all and every the Surveyors so appointed shall and may be discharged and removed from Time to Time by the several Commissioners, Trustees, and other Persons by whom they shall be so appointed, at their Pleasure; and that they shall be paid such annual or other Salaries, Gratuities, or Compensation, out of the Monies arising from the Rates made and to be made for or towards the paving and repairing the Pavements of each of such Parishes or other Districts, and either separately, or jointly with any other Objects or Purposes, during their Continuance in the said Office, as the said Commissioners, Trustees, or other Persons by whom they shall be severally appointed, shall from Time to Time think fit: Provided nevertheless, that this Act shall not limit or prevent the Appointment by the said Commissioners, Trustees, or other Persons, of any Inspectors or other inferior Officers for the Assistance of the Surveyor or Surveyors of the Pavements within each of their respective parochial or other Districts, as they shall think necessary for the better Preservation and Superintendence of the Pavements therein.

III. And be it further enacted, That no Person shall at any Time hereafter be appointed to the Office of Surveyor of the Pavements of and in any Parish or other District, or shall continue in such

Persons incapacitated from being Surveyors.

Office, or shall act therein, who at the Time of such Appointment shall be, or after such Appointment shall become, a Commissioner or Trustee, or a Person having the Control of the Pavements of such Parish or other District by virtue of any local Act or Acts of Parliament or otherwise, or who shall be a Pavior or Mason, or Dealer in Stones, and who shall have any Share or Interest in any Employment or Contract for the Pavement or Reparation of the Pavement of such Parish or other District, or in any other public Works under such Commissioners or Trustees or other Persons within such Parish or other District; and that no Person shall be continued in such Office of Surveyor of Pavements by any Commissioners, Trustees, or other Persons having the Control of the Pavements of any Parish or other District, or shall act therein, who shall cease to be an Housekeeper, or to have an House or Office within the particular Parish or other District, to the Superintendence of the Pavements whereof he shall have been so appointed, or who shall become otherwise disqualified by virtue of this Act; and that if any Person shall presume to act as a Surveyor of Pavements for and in any Parish or other District, being disqualified as herein mentioned, every such Person shall for every such Act forfeit and pay the Sum of Twenty Pounds, to be recovered in the Manner in which other Forfeitures and Penalties are herein-after directed to be recovered by virtue of this Act.

Successors to
Surveyors to
be appointed
within One
Month
after any
Vacancy.

IV. And be it hereby further enacted, That from Time to Time and at all Times hereafter, within One Calendar Month after the Death or Removal or Disqualification of any Person appointed by any Commissioners or Trustees, or other Persons having the Control of the Pavements within any parochial or other District, to be a Surveyor of the Pavements of and within such parochial or other District, the said Commissioners or Trustees, or other such Persons, shall appoint another competent Person, qualified

fied as herein-before directed, to the Office of a Surveyor of the Pavements of and within such parochial or other District, in the Room or Stead of the Person who shall so die or be removed, or otherwise become disqualified for such Office.

V. And be it hereby further enacted, That the Commissioners or Trustees, or other Persons having the Control of the Pavements of and in every parochial or other District within the Jurisdiction of this Act, from Time to Time and at all Times within Fourteen Days after they shall have appointed any Person or Persons to the Office of a Surveyor or Surveyors of the Pavements of and within such parochial or other District, shall cause to be painted on Boards the Christian and Surnames of each and every such Person or Persons so from Time to Time by them appointed to the Office of Surveyor for such parochial or other District, with the Number of the House, and the Street or other public Place within the said parochial or other District which may then be the Dwelling House or Dwelling Houses, or Office or Offices, of the Person or Persons so appointed a Surveyor or Surveyors of the Pavements for such particular parochial or other District, and that such Inscriptions shall be so painted on the said Boards in Oil Colours, and in Roman Letters, being at least One Inch in Height; and that they the said Commissioners or Trustees, or other Persons having the Control of the Pavements of and in every such parochial or other District, shall also cause one of such Boards, being so painted, to be set up or fixed in a conspicuous Place of the external Part of every Parish Church and parochial Chapel and Watch-house, within their several parochial or other Districts, and also on any Walls or Erections or Buildings within their several parochial or other Districts respectively, not being private Dwelling Houses, as they may think necessary, and from Time to Time may vary and transpose the same, or cause the same to be varied or transposed,

Boards inscribed with the Names and Residence of Surveyors, to be placed in conspicuous Parts of every District.

Penalty on
Persons who
shall remove
or obliterate
such Boards
or Inscrip-
tions.

as they shall think necessary or convenient ; and that they the said Commissioners or Trustees, or other Persons having the Control of the Pavements of and in every such parochial or other District, from Time to Time and at all Times shall cause to be renewed or repaired and repainted all and every such Boards with the Inscriptions aforesaid, when and as often as Occasion shall require, and so that the Inscriptions on the said Boards, with the Names and Residence of the several Surveyors of the Pavements of and in every parochial or other District, shall be legible at all Times during the Day ; and that if any Person shall wilfully remove, destroy, or injure any of such Boards, or shall obliterate or deface the Words painted thereon, or any of them, or any Part thereof, or shall cause or procure the same to be removed, destroyed, or injured, or obliterated or defaced, then every such Person shall for every such Offence forfeit and pay a Sum not exceeding Thirty Shillings nor less than Fifteen Shillings, to be recovered in the Manner hereinafter provided.

Certain
Housekeep-
ers in any
Part of the
Metropolis
may give
Notice to
Surveyors of
any danger-
ous or very
defective
Pavement,
and shall
require the
Reparation
thereof.

VI. And be it further enacted, That in case any Person being the Occupier of an inhabited Dwelling House, situate in any Parish or Place also within the Jurisdiction of this Act, and rated to the Relief of the Poor of such Parish or Place wherein such Dwelling House shall be situate, at the Sum of Fifty Pounds at the least, for and in respect of such Dwelling House, or in case any Two Persons being the Occupiers of Two several inhabited Dwelling Houses situate in any Parish or Place, Parishes or Places, also within the Jurisdiction of this Act, and each of whom shall be rated to the Relief of the Poor of such Parish or Place, Parishes or Places, wherein such Dwelling Houses shall be respectively situate, at the Sum of Twenty-five Pounds at the least, for and in respect of their said respective Dwelling Houses, shall think that the Pavement of any Street or public Place in any parochial or other District

District within the Jurisdiction of this Act, or any Part of such Pavement, is in a State dangerous to Passengers, or so very defective as to occasion serious Inconvenience to Passengers and Carriages, then and in every such Case it shall and may be lawful to and for such One Person alone, or for such Two Persons jointly, to prepare a Notice, signed with his or their respective Hand or Hands, setting forth the Number of his or their respective Dwelling House or Dwelling Houses, and the Street or public Place, or Streets or public Places wherein such Dwelling House or Dwelling Houses is or are situate, and describing the Part of the Pavements of any Street or public Place which he or they consider to be then dangerous to Passengers, or so very defective as to occasion serious Inconvenience to Passengers and Carriages, and also requiring the Reparation thereof, and to address such Notice to any Person being a Surveyor for the Time being of the Pavements of and within the parochial or other District wherein the Part of any Street or public Place shall be situate, the Pavement whereof shall then be dangerous to Passengers, or so very defective as aforesaid, and to give such Notice to any such Surveyor, or to leave the same for him at the Dwelling House or Office within such parochial or other District, inscribed on the Boards to be from Time to Time set up by the Commissioners or Trustees or other Persons having the Control of the Pavements of and within such parochial or other District, pursuant to the Directions of this Act.

VII. And be it further enacted, That every Person from Time to Time hereafter being the Surveyor of the Pavements of any parochial or other District within the Jurisdiction of this Act, to whom shall be given or for whom shall be left a Notice, signed and prepared as before directed, of the dangerous or very defective State as aforesaid, of any Part of the Pavement of any Street or public Place in the parochial or other District in and for which he shall

Surveyors or Commissioners shall cause such dangerous or defective Pavement to be repaired.

then

the Pavements of such parochial or other District ; and if such Part of the Pavement described in such Notice, or any Part thereof, shall really be in a State dangerous to Passengers, or so very defective as to occasion serious Inconvenience to Passengers and Carriages, then such Commissioners or Trustees or other Persons shall then and there direct the effectual Reparation of such Part of the Pavements mentioned in the said Notice as may be dangerous to Passengers, or so very defective as aforesaid, and shall cause the same and every Part thereof to be so effectually repaired at their Costs and Charges, within Twenty-eight Days then next, if the Charges of and about so effectually repairing the same will not in their Judgment exceed the Sum of Fifty Pounds, and within Six Weeks then next if the Charges of and about so effectually repairing the same will in their Judgment exceed the said Sum of Fifty Pounds.

Justices on
Neglect may
summon Surveyors, and
order the
Repair.

VIII. And be it further enacted, That if at any Time or Times hereafter the Pavement of any Street or public Place within the Jurisdiction of this Act, being in a State dangerous to Passengers, or so very defective as to occasion serious Inconvenience to Passengers and Carriages, whereof a Notice, prepared and signed as herein-before is directed, shall have been given to or left for any Person being a Surveyor of the Pavements of the parochial or other District wherein the Pavement so dangerous to Passengers, or so very defective as aforesaid, may be situate, shall not be sufficiently repaired within the Times herein-before appointed for the Reparation thereof, (that is to say) within Three Days from the Day whereon the said Notice shall have been given or left as aforesaid, if the Costs and Charges of and about such Repair would not exceed the Sum of Two Pounds, and within Seven Days from the Day whereon the said Notice shall have been given or left as aforesaid, if the Costs and Charges of and about such Repair would not exceed the
Sum

Sum of Ten Pounds, and within Twenty-eight Days from the Day whereon the said Notice shall have been given or left as aforesaid, if the Costs and Charges of and about such Repair would not exceed the Sum of Fifty Pounds, and within Six Weeks next after the said Notice shall have been given or left as aforesaid, if the Costs and Charges of and about such Repair would exceed the Sum of Fifty Pounds, then it shall and may be lawful to and for the Person or Persons by whom any Notice signed as herein-before is directed shall have been given or left as aforesaid, to apply and complain to any Two Justices of the Peace acting for the City, Borough, or County wherein the Pavement of the Street or public Place described in the Notice so given or left as aforesaid shall be situate, and that upon Proof upon Oath, by One or more credible Witnesses or Witnesses, that a Notice, prepared and signed as herein-before is directed, had been given to or left for a Person appointed and notified to be a Surveyor of the Pavements of such parochial or other District wherein the Pavement described in such Notice may be situate, and according to the Directions of this Act, and that the Part of the Pavements in any Street or public Place described in such Notice, and being in a State dangerous to Passengers, or so very defective as to occasion serious Inconvenience to Passengers and Carriages, had not been sufficiently repaired within the Time herein-before limited by this Act, according to the Costs and Charges which must be incurred in and about such Reparation; then such Justices of the Peace, by a Summons under their Hands, shall require the said Person, being appointed and notified to be a Surveyor of the Pavements for the parochial or other District wherein the Pavement of any Street or public Place dangerous to Passengers, or so very defective as aforesaid, shall be situate, to or for whom the said Notice, prepared and signed as aforesaid, shall have been given or left, according to the Directions of this Act, to appear

appear before them the said Justices, at a Place and Time to be mentioned in such Summons (and the Time being Twenty-four Hours at the least after the said Summons shall have been given to the said Surveyor, or shall have been left for him at his Dwelling-house or Office within the parochial or other District the Pavement whereof he shall be appointed to survey, inscribed on the Boards herein before directed to be set up in every parochial and other District within the Jurisdiction of this Act), and then and there to show Cause why the Pavement described in the said Notice hath not been sufficiently repaired according to such Notice, within the Times herein-before by this Act limited, according to the Expence which must be incurred in and about such Repair; and that if the said Surveyor, or some Person authorized by him, shall not attend before the said Justices at the Time and Place mentioned in such Summons, or if he or such other Person authorized by him shall then and there attend, and shall not show to them the said Justices a sufficient Cause or sufficient Causes why the said Pavement described in the said Notice given to or left for the said Surveyor as herein-before is directed, and every Part thereof, hath not been sufficiently repaired according to such Notice, then and upon Proof upon Oath by Two or more credible Witnesses that the Pavement described in the said Notice is then dangerous to Passengers, or so very defective as aforesaid, and that the same is situate within the parochial or other District for which the said Surveyor shall have been appointed and notified as appointed to act, it shall and may be lawful to and for the said Justices, by Order under their Hands and Seals, to order and direct that the said Surveyor shall pay to the Person or Persons by whom the said Notice shall have been signed as aforesaid, such Sum of Money as he or they shall have legally expended for the Costs and Charges of such Summons and Order, and which said Sum of

Money so by the said Justices ordered to be paid by the said Surveyor shall and may be recovered in the same Manner in which any other Forfeitures and Penalties are herein-after directed to be recovered by virtue of this Act; and the said Justices shall also then and there, by an Order under their Hands and Seals, order the said Surveyor to sufficiently repair or cause to be repaired all the Pavement described in the said Notice being in a State dangerous to Passengers, or so very defective as aforesaid, and being in the parochial or other District wherein he the said Surveyor shall have been appointed to act as Surveyor of the Pavement, within Three Days then next if the Costs and Charges of and about such Repair will not exceed the Sum of Two Pounds, and within Seven Days then next if the Costs and Charges of and about the said Repair will not exceed the Sum of Ten Pounds, and within Twenty-eight Days then next if the Costs and Charges of and about such Repair will exceed the Sum of Ten Pounds but will not exceed the Sum of Fifty Pounds, and within Six Weeks then next if the Costs and Charges of and about such Repair will exceed the Sum of Fifty Pounds; and the said Order of the said Two Justices of the Peace, within Twenty-four Hours after the same shall be made, shall be given to the said Surveyor, or left for him at his Dwelling-house or Office within the Parish or other District the Pavement whereof he shall be appointed to survey, inscribed on the said Boards herein-before directed to be set up, and shall be obeyed and performed by him; and he the said Surveyor shall sufficiently repair the said Pavements, or cause the same to be sufficiently repaired, within the Time to be directed by the said Order, at the Costs and Charges of the Commissioners or Trustees or other Persons having the Control of the Pavements of that parochial or other District wherein the Pavements shall be situate which by such Order shall be so ordered to be repaired; but
if

Offence, and a Sum not exceeding Thirty Pounds for every Third Offence, to be recovered in such Manner as other Penalties or Forfeitures are by this Act herein-after directed to be recovered, and to be paid, when recovered, to the Churchwardens or Overseers of the Poor of the Parish or District wherein any such dangerous or defective Pavement shall be situate, and to be by them applied to and for the Use of the Poor of such Parish or District, and in aid of the Rates for the Relief of the Poor of such Parish or District, and to no other Person or Persons, and for no other Use or Purpose whatsoever ; and such Person who shall be guilty of such Third Offence shall thereafter become disqualified from acting in the said Office of a Surveyor of the Pavements in the same or in any other parochial or other District within the Jurisdiction of this Act, and from being re-appointed or appointed thereto, and from acting therein, either gratuitously or otherwise, or under any Pretence whatsoever, unless he shall so act under the Direction and by the Command of the Commissioners, Trustees, or other Persons by whom he shall have been appointed : Provided always, that all Costs, Charges, and Expences which such Person, being the Surveyor of the Pavements of any parochial or other District, shall incur or expend in and about the Observance and Performance of any such Order made by the said Two Justices of the Peace as aforesaid for the Reparation of the Pavements in such parochial or other District being dangerous to Passengers or very defective as aforesaid, as herein-before is directed, or which he shall incur or be put unto in consequence of his Refusal or Neglect to perform and obey any such Order by the Directions in Writing of the Commissioners or Trustees, or other Persons having the Control of the Pavements of the parochial or other District for which he may be appointed to act, shall be forthwith paid or reimbursed to him by such Commissioners or Trustees,

or

or other Persons, out of the Monies which they shall then possess, or shall first thereafter receive, by virtue or on account of any Rates or Assessments thenceforth or thereafter made for and towards the Expences of the Paving or Reparation of the Pavement of such parochial or other District, or otherwise, by virtue of any local Act or Acts of Parliament, or by virtue of this Act.

X. And be it further enacted, That from Time to Time, when and as often as any Person shall be appointed by the Commissioners or Trustees, or other Persons having the Control of the Pavements of any parochial or other District within the Jurisdiction of this Act, to be a Surveyor of the Pavements of the Streets and public Places in such parochial or other District, such Appointment shall be notified, within Seven Days after every such Appointment, by the Clerk or Clerks or some other Officer of such Commissioners or Trustees, or other Persons, to a Clerk, Secretary, or some Officer or Servant of each of the several Companies for the Supply of Water, or Proprietors of Waterworks, commonly and herein-after called and described as "Water Companies," and of each of the several Companies or Societies or Proprietors of Works for the Supply of inflammable Air or Gas or Gas Lights, commonly and herein-after called and described as "Gas Light Companies," whose Pipes for the Conveyance of Water or Gas may or shall then be laid beneath the Surface of any of the Streets or public Places within each of such parochial or other Districts for which such Surveyor shall have been so appointed, and also to a Clerk or Secretary of the Commissioners of Sewers then having Jurisdiction over the common and public Drains and Sewers within every such parochial or other District, by a Notice in Writing to be signed by such Clerk or Clerks or other proper Officer of such Commissioners or Trustees or other Persons, and to be given to a Clerk, Secretary, or some other Officer or Servant of the

Notice of the Appointment of Surveyor to be given to Water and Gas Companies, and Commissioners of Sewers,

said several Water and Gas Light Companies, or to a Clerk or Secretary of such Commissioners of Sewers, or to be left for them or some or one of them at their or some or one of their Dwelling House or Dwelling Houses or Place or Places of Abode, or at an Office or Counting House for the Time being of each of such Water and Gas Light Companies or Commissioners of Sewers : Provided, that it shall not be necessary to give any such Notice to any Water or Gas Light Companies or Commissioners of Sewers which shall not have previously notified that their Pipes or Drains and Sewers have been and are placed beneath the Streets or public Places within each of such parochial or other Districts to the Clerk or Clerks or other proper Officer of the Commissioners or Trustees or other Persons having the Control of the Pavements in the Streets or public Places within each of such parochial or other Districts respectively.

Previous
Notice to be
given by
Companies
and Commis-
sioners of
Sewers to
Surveyors
before they
break up any
Pavement,
except for
Repairs.

XI. And be it further enacted, That it shall not be lawful to or for any Water or Gas Light Company, or for any Commissioners of Sewers, or any Person or Persons acting by or under the Authority of them or any of them, or on their Account, to break or take up, or cause to be broken or taken up, any of the Pavements in any of the Streets or public Places within the Jurisdiction of this Act, for the Purpose of making and laying down any Main or Mains of Pipes, or of making any Sewer, Vault, or Drain, or for any other Purpose (except for the Purpose of altering the Position of, or of repairing any Pipes, Stopcocks, or Plugs, or of substituting Iron for Wooden Mains or Pipes, or of repairing, cleansing, or altering any Sewer, Vault, or Drain), unless Notice in Writing of their Intention to break or take up such Pavement, signed by the principal Clerk or Secretary of such Water or Gas Light Company, or Commissioners of Sewers for the Time being, or by their Surveyor, or Inspector, or Turncock for the Time being, specifying the Street or public

public Place, and the particular Part of such Street or public Place in which such Pavement is intended to be broken or taken up, shall have been given to a Surveyor of the Pavements for the Time being of the parochial or other District wherein such Street or public Place the Pavement whereof is so intended to be broken or taken up shall be situate, or shall have been left for him at his Dwelling-house or Office within such parochial or other District, for the Space of Three Days at the least before such Pavement or any Part thereof shall be so broken or taken up for the Purposes aforesaid; and that no Gas Light Company shall break or take up or disturb, or cause to be broken or taken up or disturbed, the Pavement of any Street or public Place for the Purpose of laying down any new Mains or Pipes, without the Consent in Writing of the Commissioners or Trustees or other Persons having the Control of the Pavements in any parochial or other District, signified under the Hand or Hands of their Clerk or Clerks, or other proper Officer or Officers, first obtained; and also, that any Water or Gas Light Company, or Commissioners of Sewers, or any of them, who shall break or take up, or cause to be broken or taken up, any of the Pavements in any of the Streets or public Places within the Jurisdiction of this Act, for the Purpose of altering the Position of or repairing any Pipes, Stopcocks, or Plugs, or of substituting Iron for Wooden Mains or Pipes, or of repairing, cleansing, or altering any Sewer, Vault, or Drain, shall give such Notice thereof as aforesaid, signed as aforesaid, and in Manner aforesaid, unto such Surveyor as aforesaid, within Twelve Hours after any such Water or Gas Light Company or Commissioners of Sewers, or any Person or Persons acting by or under the Authority of them, or any of them, or on their Account, shall begin to break or take up, or to cause to be broken or taken up, any of such Pavements for the Purposes last aforesaid; and that if any such

Water or Gas Light Company, or any Commissioners of Sewers, or any Person or Persons acting by or under their Authority, or on their Account, shall break or take up, or cause to be broken or taken up, any of such Pavement (except for the Purpose of altering the Position of or repairing any Pipes, Stopcocks, or Plugs, or of substituting Iron for Wooden Mains or Pipes, or of repairing, cleansing, or altering any Sewer, Vault, or Drain) without such Three Days previous Notice being given or left as aforesaid; or if any Gas Light Company shall break or take up or disturb, or cause to be broken or taken up or disturbed, any of such Pavement, for the Purpose of laying down any new Mains or Pipes, without such Consent as aforesaid; or if any Water or Gas Light Company, or Commissioners of Sewers, who may break or take up, or cause to be broken or taken up, any of the Pavements aforesaid, for the Purpose of altering the Position of or of repairing any Pipes, Stopcocks, or Plugs, or of substituting Iron for Wooden Mains or Pipes, or of repairing, cleansing, or altering any Sewer, Vault, or Drain, shall refuse or neglect to give or leave, or to cause to be given or left, such Notice thereof as aforesaid within Twelve Hours after any such Water or Gas Light Company, or Commissioners of Sewers, or any Person or Persons acting by or under the Authority of them, or any of them, or on their Account, shall begin to break or to take up, or to cause to be broken or taken up, any of such Pavements, then and in every or any such Case, the Company, or Commissioners of Sewers, or other Person or Persons so breaking or taking up the same Pavement, or any Part thereof, or causing or directing the same to be broken or taken up, or under whose Authority or on whose Account the same shall be so broken or taken up, or the Persons so breaking or taking up the same, shall forfeit and pay to the Commissioners or Trustees, or other Persons having the Control of the Pavements within

within the parochial or other District in which such Pavement so broken or taken up or disturbed shall be situate, or to their Treasurer, Clerk, or Surveyor, or to such other Person as they may appoint, the Sum of Forty Shillings for every Square Foot of Pavement which shall be so broken or taken up without such Notice or Consent as aforesaid, to be recovered in the same Manner in which other Forfeitures and Penalties are herein-after directed to be recovered by virtue of this Act.

XII. And be it further enacted, That all new or complete Mains or Pipes for the Conveyance of Water, or inflammable Air or Gas, which after the passing of this Act shall be laid down beneath the Surface of any Streets or public Places within the Jurisdiction of this Act, by or on account of any Water or Gas Light Company, and whether such new or complete Main of Pipes shall or shall not be substituted for or added to any other complete Main or Mains of Pipes for the Conveyance of Water or inflammable Air or Gas, thentofore laid down for the Conveyance of Water or of inflammable Air or Gas, shall consist and be made of Iron alone, and of no other Material; and that the Pavements of any Streets or public Places within the Jurisdiction of this Act, or any Part thereof, shall not be broken or taken up for the Purpose of laying down any new Main of Pipes, for the Conveyance of Water or of inflammable Air or Gas, during any Part of the Months of *December, January, or February* in any Year; and also, that from and after Ten Years from the passing of this Act all and every new Main Pipe and Pipes for the Conveyance of Water, or of inflammable Air or Gas, which shall be laid down by or on account of any Water or Gas Light Company, or other Persons, shall consist and be made of Iron alone, and of no other Material; and all and every new Service and other Pipes shall not consist or be made of Wood, but shall consist or be made of Iron or

New Mains of Water Pipes, &c. to be made of Iron, and not laid down during the Months of December, January, or February.

Lead, or of some durable Material ; and that if any Water or Gas Light Company, or any other Person, shall break or take up, or cause to be broken or taken up, any such Pavement for the Purposes aforesaid during the Months aforesaid, or shall lay or cause to be laid down any Pipes consisting or made of any Materials in Violation of the Provisions of this Act, then and in every such Case the Company or other Person so offending shall forfeit and pay the Sum of Five Pounds for every Square Foot of Pavement which shall be so broken or taken up by them or on their Account, and the like Sum for every Foot in Length of Pipe which shall be so laid down consisting or made of any such Material ; and which said Forfeitures and Penalties shall be recoverable in the same Manner in which other Forfeitures and Penalties are herein-after directed to be recovered by virtue of this Act : Provided always, that nothing herein contained shall extend or be construed to extend to hinder or prevent any Water Company, at any Time within or after the Space of Ten Years from the passing of this Act, from repairing all or any of their present Mains or Service Pipes, which are not constructed of Iron, with Wood or such other Materials whereof such Mains or Pipes are now constructed.

Plans of Pipes
and Sewers
may be
examined by
Surveyors of
Pavement.

XIII. And be it further enacted, That it shall and may be lawful to and for any Person appointed to act as a Surveyor of the Pavements in any parochial or other District within the Jurisdiction of this Act, and to and for any other Person or Persons appointed by the Commissioners or Trustees, or other Persons having the Control of the Pavements of any such parochial or other District, when he shall be directed so to do by the Commissioners or Trustees, or other Persons by whom he or they shall be appointed to act, from Time to Time and at any Times between the Hours of Ten of the Clock in the Forenoon and of Four of the Clock in the Afternoon of any Day not being a *Sunday* or Holiday appointed by Law,

Law, at the Office or Counting-house of any Water or Gas Light Company, any of whose Pipes for the Conveyance of Water or of inflammable Air or Gas shall then be laid beneath the Surface of any of the Streets or public Places within each of such parochial or other Districts, the Pavements whereof shall be under the Control of such several Commissioners or Trustees or other Persons, or for which any such Surveyor shall be appointed to act, and at the Office of any Commissioners of Sewers then having Jurisdiction over the common and public Drains and Sewers within every such parochial or other District, to examine and inspect any and every Map or Plan, or Draft or Survey, or Delineation or Description, of all and every the Main of Pipes and Pipes belonging to any of such Water or Gas Light Companies, then possessed by them, or being in their Custody or Power, and any and every Map or Plan, or Draft or Survey, Delineation or Description, of the common and public Drains or Sewers being within such parochial or other District, and under the Jurisdiction of such Commissioners of Sewers, then possessed by them, or being in their Custody or Power, he such Surveyor for the Time being, or such other Person or Persons appointed by the said Commissioners or Trustees, or other Persons having the Control of the Pavements in any such parochial or other District, having given to a Clerk or Secretary of any such Company or Commissioners or Sewers, or having left at the Office or Counting-house of such Company or Commissioners of Sewers, Two Days previous Notice in Writing of his or their Intention to attend at the Office or Counting-house of such Companies or Commissioners of Sewers for the Purpose aforesaid; and that the Secretary or Clerk, or some other Officer of such Company or Commissioners of Sewers shall then and there produce and shew, or cause to be produced and shewn, unto such Surveyor or other Person or Persons, all and every the Maps, Plans,

Plans, Drafts, Surveys, Delineations, and Descriptions aforesaid, in the Custody or Power of the said Company or Commissioners of Sewers, and shall permit him or them then and there to take Extracts therefrom, or Copies thereof, or of and from any of them, or any Part of any of them, so far as may relate to the Mains of Pipes or Pipes, and to the public or common Sewers or Drains which shall be laid or be beneath the Surface of the Streets or public Places within the parochial or other District for which such Surveyor of Pavements, or other Person or Persons appointed by any such Commissioners or Trustees, or other Persons having the Control of Pavements, shall be deputed or directed to act.

Officers of
Companies,
&c. to notify
their Names
and Places of
Abode to
Surveyors of
Pavements.

XIV. And be it further enacted, That all and every the Secretaries or Clerks, Surveyors or Inspectors, and the several and respective Turncocks employed or appointed, or hereafter being employed or appointed by all and every the Water and Gas Light Companies, any of whose Pipes shall be laid beneath the Surface of any Street or public Place in any parochial or other District within the Jurisdiction of this Act, and also all and every the Clerk and Clerks, Secretary and Secretaries appointed or being hereafter appointed by any Commissioners of Sewers whose Jurisdiction shall extend over the common or public Drains or Sewers within every such parochial or other District, within Forty Days next after the passing of this Act, or within the Space of Five Days next after he or they shall be hereafter severally appointed to such several Offices, Situations, or Employments, shall give Notice in Writing to each and every of the Clerk or Clerks to the Commissioners or Trustees, or other Persons having the Control of the Pavements, or to the Surveyor and Surveyors of the Pavements of each parochial or other District, beneath the Surface of the Streets or public Places wherein the Mains or Pipes of such Company, or any of them, shall be laid,

laid, or there shall be any common or public Drains or Sewers within the Jurisdiction of such Commissioners of Sewers, of his, their, and every of their Christian and Surnames and Place or Places of Abode, and of the Company or Commissioners of Sewers by whom he or they is or are, or hath or have been so appointed or employed, and also of the Place which is appointed as the Office or Counting-house of the said Company or Commissioners of Sewers; and that in case any such Person or Persons shall neglect to give such Notice within the respective Times aforesaid, every such Person or Persons so offending in either of the said Cases shall forfeit and pay the Sum of Ten Pounds, to be recovered in the same Manner in which other Penalties and Forfeitures are hereafter directed to be recovered by virtue of this Act.

XV. And be it further enacted, That when and so often as it shall appear to any Person appointed to act as a Surveyor of Pavements in any parochial or other District within the Jurisdiction of this Act, that any Pipe or Pipes, Stop-cock, Plug, or other Thing belonging to any Water or Gas Light Company, or that any public Sewer beneath the Surface of the Pavement of any Street or public Place within such parochial or other District, be broken or damaged, it shall be lawful for such Surveyor, and he is hereby required, to give immediate Notice, signed by himself, to the Company or Commissioners of Sewers to whom it may appear to him that such Pipe or Stop-cock, Plug, or other Thing, or Sewer, doth or may belong, by either giving such Notice to a Clerk or Secretary, or to a Turncock of such Company, or to a Clerk or Secretary of such Commissioners of Sewers, or to some or one of them, or by leaving the same at the Place or Places of Abode of some or one of them, or at the Office or Counting-house of such Company or Commissioners of Sewers, and shall require that such Pipe, Stop-cock, Plug, or other Thing, or Sewer, be examined,

Surveyor
may require
Repair of
Pipes and
Drains when
defective.

Notice to be
given to
repair them.

examined, and, if needful, that such Pipe, Stop-cock, Plug, or other Thing be repaired, altered, amended, or renewed, and such Sewer be repaired by such Company or Commissioners of Sewers; and that within Forty-eight Hours after such Notice shall be so given or left as aforesaid, the said Company or Commissioners of Sewers, to or for whom, or to or for whose Officer or Servant such Notice shall have been given or left as aforesaid, shall cause to be taken up the Pavement of the Street or public Place beneath which the Pipe, Stop-cock, Plug, or other defective Thing, or Sewer, shall be, and shall cause the Ground to be opened, and shall also cause the said Pipe, Stop-cock, Plug, or other Thing to be substantially repaired, altered, amended, or renewed, or the said Sewer to be examined, and, if necessary, to be substantially repaired, and the Ground properly filled in with hard Rubbish or other good Materials, and rammed down, within Forty-eight Hours next after such Notice shall be given or left as aforesaid, or with all convenient Expedition, in the Judgment of the Commissioners, Trustees, or other Persons having the Control of the Pavements in the parochial or other District wherein such Pavement, Street, or public Place shall be situate, and to their Satisfaction, or the Satisfaction of any Three or more of them; and also within Twelve Hours after such Pipe, Stop-cock, Plug, or other Thing shall be so substantially repaired, altered, amended, or renewed, or such Sewer shall be so substantially repaired, and the Ground above the same shall be so filled in and rammed down, the said Company or Commissioners of Sewers shall cause Notice thereof, signed by the Clerk or Secretary to such Company or Commissioners of Sewers, to be given to the said Surveyor of Pavements, or to the Pavior or Paviers or other Persons then employed or appointed by the Commissioners or Trustees, or other Persons having the Control of the Pavements in such parochial or other District,

Distrikt, to pave and repair the Pavements within such parochial or other Distrikt, as the said Commissioners or Trustees or other Persons for the Time being may from Time to Time direct, that such Examination, and, if necessary, such Reparation, Alteration, Amendment, or Renewal, hath been made pursuant to such Notice of the Surveyor of Pavements, and that the Ground hath been refilled and rammed down, that the Pavement in such Street or public Place may be forthwith relaid in the Manner directed by this Act; and in case the Water or Gas Company, or Commissioners of Sewers, to or for whom such Notice of the Surveyor of Pavements shall have been given or left as aforesaid, and to whom such Pipe, Stop-clock, Plug, or other Thing, or Sewer, referred to in such Notice shall belong, shall neglect to cause the same to be repaired, altered, or amended, or renewed, as the Case may be, and the Ground to be filled in and rammed down to the Satisfaction of the said Commissioners, Trustees, or other Persons having the Control of the Pavements in such parochial or other Distrikt, or any Three or more of them, within the Time herein-before limited and appointed for those Purposes, or shall neglect to give or cause to be given Notice thereof as aforesaid to the said Surveyor of the Pavements, or to the Pavior or Paviers, or other Persons employed or appointed by the Commissioners or Trustees, or other Persons having the Control of the Pavements in such parochial or other Distrikt, to pave and repair the Pavement within such parochial or other Distrikt; then the said Company or Commissioners of Sewers shall for the first Neglect and Offence forfeit and pay the Sum of Five Pounds, and for the second Neglect and Offence shall forfeit and shall pay the Sum of Eight Pounds, and for the Third and every subsequent Neglect and Offence shall forfeit and shall pay the Sum of Ten Pounds, to be recovered in the same Manner in which other Penalties and Forfeitures

Penalty on
Company to
whom the
Pipes belong
for not re-
pairing them,
and giving
Notice there-
of to the
Pavior;

are

and if such Request should not be made to the proper Parties, subsequent Information shall be given to them.

are directed to be recovered by virtue of this Act.

XVI. Provided always, and be it further enacted, That in case it shall happen and it shall be discovered, after any Pavement in any Street or public Place shall have been taken up, and the Ground shall have been opened, that any Pipe, Stop-cock, Plug, or other Thing, beneath the Surface of the Pavement of any Street or public Place, which shall have appeared to any Surveyor of Pavements to require to be repaired, altered, amended, or renewed, shall not belong to the Water or Gas Company to or for whom such Notice for the Reparation, Alteration, Amendment, or Renewal thereof as aforesaid shall have been given or left as is herein-before directed by the said Surveyor, but to some other Water or Gas Company, or to some other Persons, then such Company to or for whom the said Notice of the said Surveyor of Pavements shall have been given or left, within Twenty-four Hours after the Notice from the said Surveyor of Pavements shall have been given or left as aforesaid, shall cause a Notice, signed by the Secretary or Clerk, to be given in the same Manner herein-before directed as to the Service of the original Notice to the Company or other Persons to whom the Pipe, Stop-cock, Plug, or other Thing shall appear to belong, which did appear to the said Surveyor of Pavements to require Reparation, Alteration, Amendment, or Renewal, and shall thereby require them to obey and perform and comply with the said original Notice from the said Surveyor of Pavements, instead of the Company to whom such original Notice had been given; and that such Company or other Persons to whom such Pipe, Stop-cock, Plug, or other Thing shall belong, shall reimburse and pay on Demand to the first-mentioned Company to or for whom the original Notice may have been given or left, the reasonable Costs and Charges which they shall have incurred in and about taking up the Pavement.

Pavements and opening the Ground, and shall obey, execute, and perform the said original Notice of the said Surveyor, and the Directions of this Act relating thereto, in such and the same Manner, and within such and the same Time, in all respects, as if the said original Notice from the said Surveyor had been given to them ; and they shall be liable to and shall incur the same Penalties and Forfeitures on Neglect so to do, as they ought to have done, or would have been liable to, and would have incurred, if the said original Notice had been given to them in Manner before directed ; and that the Company by whom the Pavements shall be first taken up and the Ground shall be opened, who shall neglect to give the Notices hereby required to the Company to whom the Pipe, Stop-cock, Plug, or other Thing, which shall appear to the Surveyor of the Pavements to require Reparation, Alteration, Amendment, or Renewal, shall appear to belong, in Manner herein-before directed, shall for the first Neglect and Offence forfeit and pay the Sum of Five Pounds, and for the second Neglect and Offence shall forfeit and shall pay the Sum of Eight Pounds, and for the Third and every subsequent Neglect and Offence shall forfeit and pay the Sum of Ten Pounds, to be recovered in the same Manner in which other Penalties and Forfeitures are herein-after directed to be recovered by virtue of this Act.

XVII. And be it further enacted, That whenever after the passing of this Act any Water or Gas Light Company, or Commissioners of Sewers, pursuant to the Provisions herein-before contained, shall take up or cause to be taken up any Pavement of any Street or public Place in any parochial or other District within the Jurisdiction of this Act, or shall place in any Street or public Place any Pipes or other Materials and Things, for the Purpose of executing any Works beneath the Surface of any Street or public Place, or otherwise, all and every such

Repairs and
Works by
Companies,
&c. to be
executed with
all convenient
Expedition.

such Works shall be executed and completed within such reasonable Time as the Commissioners or Trustees, or any other Persons having the Control of the Pavements of the Streets and public Places in such parochial or other District, or any Three or more of them, shall from Time to Time and at any Time direct and appoint; and also, that all such Pipes, or other Materials and Things shall be and remain on the Surface of any such Street or public Place, and of any Streets or public Places in any parochial or other District, for no longer Period than shall be unavoidably necessary in the Judgment of the said Commissioners or Trustees, or other Persons having the Control of the Pavements in such parochial or other District, or any Three or more of them; and also that the same Pipes or other Materials and Things shall be from Time to Time and at all Times removed and taken away off and from the Surface of any and every Street or public Place by the Water or Gas Light Company, or Commissioners of Sewers, or by the Officers or Servants of the Company, or Commissioners of Sewers, by whom or by whose Order, or by whose Officers or Servants, or for whose Offices or Works, all or any such Pipes or other Materials or Things shall have been brought to and placed on the Surface of such Streets or public Places, or any of them, and at their Costs and Charges, within Forty-eight Hours after such Company or Commissioners of Sewers shall have been required to remove and take away the same by the Commissioners or Trustees, or other Persons having the Control of the Pavements in any such parochial or other District, or any Three or more of them, by a Notice signed by Three or more of such Commissioners or Trustees or other Persons, and given to such Company or Commissioners of Sewers, or left for them at the Dwelling-house or Place of Abode of any Secretary or Clerk or Turncock employed by such Company, or of a Clerk or Secretary to such Commissioners of
Sewers

Sewers, or at the Office or Counting-house of such Company or Commissioners of Sewers; and that in case any Company or Commissioners of Sewers shall at any Time or Times neglect to comply with any and every such Notice, and to obey all and every the Directions which the said Commissioners or Trustees or other Persons having the Control of the Pavements in any parochial or other District, or any of them, are by this Act authorized and empowered to give, then and in every or any such Case such Company or Commissioners of Sewers shall for the First Neglect and Offence forfeit and shall pay the Sum of Five Pounds, and for the Second Neglect and Offence shall forfeit and shall pay the Sum of Eight Pounds, and for the Third and every subsequent Neglect and Offence shall forfeit and shall pay the Sum of Ten Pounds, to be recovered in the same Manner in which other Penalties and Forfeitures are directed to be recovered by virtue of this Act.

XVIII. And be it further enacted, That all Dirt, Gravel, Filth, Rubbish, and other Things, which at any Time or Times after the passing of this Act shall be placed, collected, or occasioned by or by means of any Water or Gas Light Company, or Commissioners of Sewers, or of any Repairs or other Works executed and performed or intended to be executed and performed by their Officers or Servants, or by their Orders or Directions, or on their Account, in any Streets or public Places in any parochial or other District within the Jurisdiction of this Act, by the taking up of the Pavement of such Streets or public Places, or any of them, or by opening the Ground beneath the Surface of such Streets or public Places, or by the Execution of the Works of any Water or Gas Light Company or otherwise, or which shall be in anywise consequent thereon or incidental thereto, in the Judgment of the Commissioners or Trustees or other Persons having the Control of the Pavements

Rubbish and Obstructions occasioned in Streets by the Repairs of Pipes, &c. to be speedily removed.

of the Streets and public Places in any such parochial or other District, or any Three or more of them, shall be from Time to Time and at all Times collected and removed and carried away, by or at the Costs and Charges of such Company or Commissioners of Sewers, with all practicable Expedition, and to the Satisfaction of such Commissioners or Trustees or other Persons having the Control of the Pavements in such parochial or other District, or any Three or more of them; and that such Company or Commissioners of Sewers shall especially so do whenever they shall be required so to do by any Notice from such Commissioners or Trustees or other Persons having the Control of the Pavements in such parochial or other District, or any Three of them, or from any Surveyor of the Pavements appointed by them, signed by them or him, and given to such Company or Commissioners of Sewers, or left for them at the Dwelling House or Place of Abode of any Secretary or Clerk or Turncock employed by such Company or Commissioners of Sewers, or at any Office or Counting-house of such Company, or of any Clerk or Secretary to any such Commissioners of Sewers; and that in case any such Company or Commissioners of Sewers shall neglect to collect, carry away, and remove, or cause to be collected, carried away, and removed, from all and every such Streets and public Places, all such Dirt, Gravel, Filth, Rubbish, and other Things whatsoever, within Twenty-four Hours after any such Notice shall be from Time to Time given or left as aforesaid, to the Satisfaction of such Commissioners or Trustees, or other Persons by whom any such Notice shall be signed, then the said Company or Commissioners of Sewers shall for every such Neglect and Offence forfeit and shall pay the Sum of Five Pounds, to be recovered and applied in the same Manner in which other Penalties and Forfeitures are herein-after directed to be recovered and applied by virtue of this Act.

XIX. And

XIX. And be it further enacted, That from Time to Time and at all Times after the passing of this Act, all and every Water or Gas Light Company or Commissioners of Sewers, who shall take up or shall cause or direct the taking up of any Pavement in any Street or public Place in any parochial or other District within the Jurisdiction of this Act, for the Purpose of laying down or repairing any Pipe or other Thing, or any Sewer or Drain beneath the Surface of any Street or public Place, or for executing any other Works or otherwise, from Time to Time and at all Times from the Commencement until the Completion of all and every such Works, and from the breaking up of the said Pavement of any Street or public Place until the same Pavement shall be relaid and repaved, at their Costs and Charges (unless the said Works shall be completed during the Day on which the said Works shall be commenced), shall place or cause to be placed such Posts, Rails, Bars or Ropes, Lanthorns and Watchmen, in any and every such Street or public Place, and adopt and execute all such other Means for the Prevention of any Accidents or Mischief to any Passengers, Horses, Cattle, or Carriages, and every other public Inconvenience, to the Satisfaction of the Commissioners or Trustees or other Persons having the Control of the Pavements of the parochial or other District wherein any such Street or public Place shall be situate, or of a Surveyor of Pavements, or other Officer or Person appointed by them, in the Manner and whenever from Time to Time such Company or Commissioners of Sewers shall be required so to do by such Surveyor of the Pavements, or any Officer or Person appointed by the Commissioners, Trustees, or other Persons having the Control of the Pavements in such parochial or other District, by any Notice to be signed by him or them, and given to such Company or Commissioners of Sewers, or left for them at the Dwelling House or Place of Abode of any Secretary

Bars, Watchmen, and other Securities are to be provided during Repair of Pavements, to prevent Accidents.

District for the Time being ; and that any Water Company who shall set up or cause to be set up any other Stand Cock, Pump, or other Instrument, Machine, or Thing, furnished with any other than a Metal Cock and Spout, in any Street or public Place, and which shall not be to the Satisfaction of the Surveyor of the Pavements for such parochial or other District, shall forfeit and shall pay for every such Offence the Sum of Twenty Shillings, to be recovered in the same Manner in which other Penalties and Forfeitures are herein-after directed to be recovered by virtue of this Act.

Works neglected by Companies, &c. may be executed by Surveyors of Pavements.

XXII. And be it further enacted, That in case any Water or Gas Light Company, or Commissioners of Sewers, at any Time or Times after the passing of this Act, shall neglect to take up the Pavement in any Street or public Place in any parochial or other District within the Jurisdiction of this Act ; or to open any Ground beneath the Surface of such Street or public Place ; or substantially to repair, alter, amend, or renew any Pipe, Plug, Stop-cock, or other Thing, or any public Sewer, as the Case may be ; or to give the Notices required by this Act to any other Company, or to any Paviors, Surveyors of Pavements, or other Persons ; or to remove or take away any Pipes or other Materials or Things from any Street or public Place ; or to collect and carry away or remove all Dirt, Gravel, Filth, Rubbish, and other Things, from any Street or public Place ; or to place and continue Posts, Rails, Bars, or Ropes, Lanthorns and Watchmen, in any Street or public Place ; or to do and execute all and every such Works and Things, and all or any other Works and Things directed and required by this Act to be done and executed by any such Company or Commissioners of Sewers, and pursuant to any Notice given or left as herein directed by any Commissioners or Trustees, or other Persons having the Control of the Pavements in the Streets or public Places

Places within any parochial or other District within the Jurisdiction of this Act; or by the Surveyors of Pavements, or other Officers or Persons appointed by them or otherwise, and to their respective Satisfaction, and within the several Times and Periods specified and directed by this Act; then and in every or any of such Cases, and at all Times afterwards, it shall and may be lawful to and for any Surveyor of the Pavement of the parochial or other District wherein the Street or public Place shall be situate as to which any such Neglect shall occur, and all and every such Surveyors are hereby empowered and required, forthwith to cause all and every such several Works, Matters, and Things which shall not be executed and performed by every such Company or Commissioners of Sewers, or which shall not be well, substantially, and effectually executed and performed to his or their Satisfaction, or to the Satisfaction of the Commissioners or Trustees, or other Persons by whom he or they shall be appointed, within the Times and Periods limited by this Act, to be well and effectually performed, to his or their Satisfaction, or to the Satisfaction of such Commissioners or Trustees, or other Persons as aforesaid, as herein provided, at the Costs and Charges of such Company or Commissioners of Sewers who shall have so neglected well, substantially, and effectually to perform and execute the same, and every of them, and every Part thereof; and that such Costs and Charges and every of them shall be reimbursed and paid by any and every such Company or Commissioners of Sewers to such Surveyor or Surveyors of Pavements, or to the Person or Persons employed by him or them to perform and execute any or every of such Works, or to the Commissioners or Trustees, or other Persons having the Control of the Pavements of the parochial or other District within which such Works shall be performed and executed, or to their Treasurer, or to such other Person or Persons as such Commissioners or Trustees

or other Persons shall from Time to Time appoint to receive the same; and that the Amount of such Costs and Charges, and of the Monies so to be paid, being directed by the said Commissioners or Trustees or other Persons, shall be ascertained and notified, and certified and recovered, (over and above all and every the Penalties and Forfeitures which may be incurred for any such Neglect by virtue of this Act) in the same Manner in which any Costs and Charges which may be incurred, and any Monies which may become due, for and about and in respect of the relaying or repairing of any Pavements hereafter broken or taken up in any Streets or public Places by or by the Direction or on Account of any Company, Commissioners of Sewers, or other Persons, are to be ascertained and notified and certified, and may be recovered by virtue of this Act.

**Pavements
taken up by
Companies,
&c. to be re-
laid by Com-
missioners of
Pavements;**

XXIII. And be it further enacted, That when and as often as any Pavement of any Streets or public Places in any parochial or other District within the Jurisdiction of this Act shall be broken or taken up by any Water or Gas Light Company, or by any Commissioners of Sewers, or by any Person or Persons acting by or under their respective Orders or Authorities, or by any other Person or Persons by the Directions of this Act, or by and with or without the Consent of the Commissioners or Trustees or other Persons having the Control of the Pavements in any parochial or other District wherein any Street or public Place shall be situate, the Pavements whereof or any Part whereof shall be broken or taken up, then all such Part and Parts of the Pavements of any such Street or public Place which from Time to Time and at all Times shall be so broken or taken up as aforesaid, and the Pavement contiguous thereto, as far as may be rendered necessary in the Judgment of a Surveyor of Pavements to such Commissioners or Trustees, or other Persons having the Control of the Pavements in such parochial or other District, and after the
Ground

Ground opened shall be refilled and rammed down pursuant to the Directions of this Act, shall be with all convenient Speed completely and substantially repaved, with all necessary Stones, Ballast, Gravel, and other Materials, and shall be kept in complete Repair, by the Pavior or Mason then contracting with or employed by such Commissioners or Trustees or other Persons, or by such Person or Persons as they may from Time to Time appoint for that Purpose, under the Inspection and Direction and to the Satisfaction of the said Surveyor of Pavements to the said Commissioners or Trustees or other Persons for the Periods following ; (that is to say), all such Part or Parts of the Pavements of any such Street or public Place, which from Time to Time and at all Times shall be so broken or taken up as aforesaid, and the Pavement contiguous thereto as aforesaid, which shall be so broken or taken up for the Purpose of making and laying down any Main or Mains of Pipes, or of substituting Iron for Wooden Pipes, or of making any Sewer, Vault, or Drain, for Twelve Calendar Months next ensuing the breaking and taking up of the same Pavements ; and all such Part or Parts of the Pavements of any such Street or public Place, which from Time to Time and at all Times shall be so broken or taken up as aforesaid, and the Pavement contiguous thereto as aforesaid, which shall be so broken or taken up for the Purpose of altering the Position of or of repairing any Pipes, Stop-cocks, or Plugs, or of repairing, cleansing, or altering any Sewer, Vault, or Drain, for Three Calendar Months next ensuing the breaking and taking up the same Pavements ; and that the Costs, Charges, and Expences of taking out any Ground, and filling in hard Rubbish or other good Materials, and of repairing and keeping in necessary Repair for the Periods aforesaid all or any such Pavement in Manner aforesaid, and all the Expences of Cartage, and all other Charges and Expences attending the same, as well as all Costs and Charges which
may

may be incurred pursuant to the Directions of this Act by any Surveyor of Pavements in and about executing and performing any Works or Matters neglected to be executed and performed by any Company or Commissioners of Sewers, as hereinbefore directed, shall be ascertained and fixed from Time to Time by the Surveyor of Pavements to such Commissioners or Trustees or other Persons within whose parochial or other District such Works or other Matters shall have been performed and executed, or such Pavements shall have been broken up and repaved; and such Costs and Charges from Time to Time, whenever directed by the said Commissioners or Trustees or other Persons, shall be certified by their Clerk or Clerks, Surveyor or Surveyors of Pavements, or one of them, or some other Officer or Servant appointed by them, by a Note to be given to the said Company or Commissioners of Sewers, or other Persons who shall have neglected to perform and execute such Works, or by whom or by whose Orders or Authorities or on whose Account such Pavement shall have been broken or taken up, or to be left for such Company, Commissioners of Sewers, or other Person or Persons, at their Dwelling House or Dwelling Houses, or Place or Places of Abode, or at any Office or Counting House of any such Company or Commissioners of Sewers, or at the Dwelling House or Place of Abode of any Secretary, Clerk, or Turncock employed by such Company, or of any Clerk or Secretary to any such Commissioners of Sewers; and that the full Amount of the Costs and Charges so certified shall be paid within Two Months after the same Note shall be given or left as aforesaid, by such Company or Commissioners of Sewers, or other Person or Persons to or for whom the same Note shall have been given or left as aforesaid, to the Surveyor of Pavements, or to the Treasurer to such Commissioners or Trustees, or other Persons having the Control of the Pavements as aforesaid, or to the

Mason

and the
Charges
repaid to
them by
such Com-
panies.

Mason or Pavior or other Person or Persons by whom any such Works or Matters shall have been done and performed, or to such other Person or Persons as the said Commissioners or Trustees or other Persons, by the said Note of their Clerk or Clerks, Surveyor or Surveyors, or other Officer or Servant, shall direct and appoint to receive the same, or any Part thereof; and the Receipt or Receipts of the Person or Persons so appointed to receive the same shall be a good and effectual Discharge or Discharges for any and every such Payment, and for all and every the Monies in any such Receipt or Receipts expressed and acknowledged to have been received; and also that in case at any Time or Times the full Amount of such Costs and Charges so certified as aforesaid shall not be so fully paid without any Deduction or Abatement whatsoever, within Two Months after such Note as aforesaid shall have been given or left aforesaid, and although no other Demand shall be made of any such Amount or Costs and Charges, or any Part thereof, then from Time to Time and at all Times afterwards it shall and may be lawful for the said Commissioners or Trustees, or other Persons having the Control of the Pavements as aforesaid, to recover Double the Amount of such Costs and Charges so certified and being unpaid, of and from the Company or Commissioners of Sewers, or other Person or Persons to or for whom such Note shall have been given or left as aforesaid, either by Distress and Sale of the Goods and Chattels of such Company or Commissioners of Sewers or other Person or Persons, by a Warrant under the Hand and Seal of any Justice of the Peace for the City, Borough, or County wherein such parochial or other District shall be situate, and which Warrant every such Justice is hereby empowered and required to grant, upon Proof of the Service of such Note as aforesaid, and of the Nonpayment of the Costs and Charges thereby certified, by the Oath or Affirmation of the Person who shall have
left

left any such Note as directed by this Act, and by the Oath or Affirmation of the Person or Persons appointed by such Note to receive such Costs and Charges of the Nonpayment thereof, and every Part thereof, to him or them, and which Oath or Affirmation any and every such Justice of the Peace is hereby empowered and required to administer, or to recover the same and every Part thereof in any Court or Courts of Requests or County Court, or by any Action or Actions in any Court of Law; and that in any such Proceedings in any Court or Courts of Requests or County Court, or in any such Action or Actions, it shall be only necessary for the said Commissioners or Trustees or other Persons, or the Complainant or Complainants, Plaintiff or Plaintiffs, in any such Proceedings or Actions, to prove the Service of such Note pursuant to the Directions of this Act, to entitle him or them to recover by such Proceedings, or by such Action or Actions, from the said Company or Commissioners of Sewers or other Person or Persons, Double the full Amount of such Costs and Charges so certified by such Note, unless the said Company or Commissioners of Sewers or other Person or Persons shall prove, upon the Return of the Summons in such Proceedings in any Court or Courts of Requests or County Court, or on the Trial of such Action or Actions, the actual Payment of the full Amount of the Costs and Charges so certified, within Two Months after the said Note was left as aforesaid, to the Person or Persons thereby appointed to receive the same; and that in any and every such Action or Actions no Essoign, Protection, or Wager of Law, or Plea in Abatement, or any dilatory Plea, or more than One Impar lance, shall be allowed.

Necessary
Paving Rates
may be made,
being duly
signed, pub-
lished, and
allowed.

XXIV. And be it further enacted, That it may be lawful to and for the Persons, who under any local Act or Acts of Parliament for any parochial or other District within the Jurisdiction of this Act, are empowered to make Rates and Assessments for
the

the Expences of paving or keeping in Repair the Pavements of any Streets or public Places within such parochial or other Districts, either separately or jointly with other Purposes, from Time to Time and at all Times after the passing of this Act, for and notwithstanding any Provisions or Restrictions, Matters or Things in such local Act or Acts of Parliament contained, to make and sign all and every or any such Rates or Assessments as shall be from Time to Time necessary or expedient for paving or repairing the Pavements of the Streets and public Places within such parochial or other District, pursuant to the Direction of the local Act or Acts of Parliament for such parochial or other District, or of this Act; and for the Payment of all Debts or Charges heretofore incurred or hereafter to be incurred in and about the Execution of such local Act or Acts of Parliament and of this Act, or either of them, as to the paving and repairing the Pavements of and in such parochial or other District; and for the Payment of any Interest or Annuities charged or chargeable on the Paving Rates of the said parochial or other District, or for the Payment of any principal Monies which may be due in respect thereof, either separately or jointly for other Purposes, as to such Persons shall seem reasonable and proper, not exceeding in Amount in any one Year double the Sum or Sums in the Pound limited and fixed in the local Act or Acts of Parliament for such parochial or other District as the Rate or Rates in the Pound which may be made for and towards the Charges of paving and repairing the Pavements therein, and either separately or jointly with any other Objects or Purposes; except in such parochial or other Districts wherein the Sum or Sums in the Pound limited and fixed in the local Act or Acts of Parliament for each of such parochial or other Districts as such Rate or Rates in the Pound are at the Time of the passing of this Act limited and fixed at a Sum not exceeding
One

One Shilling in the Pound, and in any such parochial or other District not exceeding in Amount in any one Year treble the Sum or Sums in the Pound so limited and fixed ; and that such Rates or Assessments may be either substituted for the Rates or Assessments directed by such local Act or Acts of Parliament to be made for or in respect of the paving and keeping in Repair the Pavements of such parochial or other District, either separately or exclusively or jointly with any other Objects or Purposes, or may be additional thereto, as the Persons making the said Rates or Assessments from Time to Time at the making thereof may determine and direct ; and that such Rates and Assessments, and also all Rates or Assessments made and signed from and after the passing of this Act, for and in respect of or towards the paving or repairing the Pavements of the Streets or public Places in any parochial or other District, and either separately or jointly with or towards any other Objects or Purposes, by virtue of any local Act or Acts of Parliament, or by virtue of this Act, shall be laid upon all and every Person or Persons who do and shall inhabit, hold, occupy, be in Possession of, or enjoy any Messuages, Tenements, Lands, Grounds, Coach Houses, Stables, Cellars, Vaults, Houses, Shops, Warehouses, or other Buildings or Hereditaments, situate or being within any of the Streets or Places within the said parochial or other District, and shall be just and equal Pound Rates, and shall be laid according to the annual Rents or Value of such Messuages, Tenements, Lands, Grounds, Coach Houses, Stables, Cellars, Vaults, Houses, Shops, Warehouses, or other Buildings and Hereditaments respectively ; and also that all Rates or Assessments hereafter made by virtue of this Act shall be made and signed and allowed and published by the same Persons and in the same Manner as hath been directed by the local Act or Acts of Parliament relating to each particular parochial or other District, as to the Rates or Assessments

ments for such parochial or other District for and towards the Expences of paving and repairing the Pavements therein, and either separately or jointly with any other Objects and Purposes, by such local Act or Acts of Parliament; and that all such Rates or Assessments, being so made and signed and allowed and published (when such Signature, Allowance, and Publication shall be necessary), shall be good and effectual; and that all and every such Rates and Assessments to be made by virtue of this Act, or to be hereafter made by virtue of any local Act or Acts of Parliament, for any parochial or other District within the Jurisdiction of this Act, shall become due and payable and may be received and recovered as soon as the same shall have been duly made and signed, published and allowed, when such Signature, Publication, and Allowance shall be necessary under any local Act or Acts of Parliament for any such parochial or other District, but that the same may be collected in one or several Payments, or yearly, or half-yearly, or quarterly, as the Commissioners or Trustees, or other Persons having the Control of the Pavements in the Streets or public Places of any such parochial or other District, shall from Time to Time think proper and direct: Provided nevertheless, that nothing herein contained shall extend or be construed to extend to render the Inhabitants and Occupiers of public Wharfs within the Town and Borough of *Southwark* liable to a greater Proportion of such Rates or Assessments than they are now liable to under the local Acts of Parliament relating to the Pavements and Improvements of the said Town and Borough of *Southwark*.

XXV. Provided always, and be it also enacted, That in any parochial or other District wherein by virtue of the local Act or Acts of Parliament One general Rate or Assessment only is directed to be made for the paving and repairing of the Pavements therein, as well as for other Objects and Purposes mentioned

Separate Rates may be made for other Objects.

produce and obtain such Money necessary to be raised for the Purposes aforesaid; and that such Rates or Assessments shall be made and allowed and published in the Manner before directed as to Rates and Assessments to be made by virtue of this Act, where any Allowance or Publication shall be necessary under any local Act or Acts of Parliament for any such parochial or other District; and which Rate or Rates, Assessment or Assessments, being so made and signed, published and allowed, when such Signature, Publication, or Allowance shall be necessary as aforesaid, shall be deemed and taken to be as good, valid, and effectual, and shall and may be collected and levied in like Manner, as if the same had been made and signed by the Persons authorized to make and sign such paving or other Rates or Assessments for such parochial or other District by virtue of any local Act or Acts of Parliament; any such Act or Acts, or any other Custom, Law, or Statute to the contrary notwithstanding.

Other Rates may be inspected, to assist in preparing such Paving Rates.

XXVII. And be it further enacted, That it shall and may be lawful to and for the Clerk or Clerks, or any other Person or Persons appointed by the Commissioners or Trustees, or other Persons having the Control of the Pavements of the Streets and public Places in any parochial or other District within the Jurisdiction of this Act, under any local Act or Acts of Parliament, or by the Persons authorized by any such local Act or Acts of Parliament, or by virtue of this Act, to make any Rates or Assessments for or towards the paving and repairing the Pavements of the Streets and public Places within any such parochial or other District, either separately or jointly with any other Objects or Purposes as herein-before is mentioned, at any Time or Times between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon, on any Day not being a *Sunday*, or an Holiday appointed by Law, to peruse, examine, and inspect the

Book

Book or Books of the Rates or Assessments for the Relief of the Poor, or for the Land or Assessed Taxes, or of any other public, parliamentary, parochial, or local Tax affecting or charged upon or in proportion to the Messuages or Hereditaments inhabited, held, or occupied by any Person or Persons within any such parochial or other District, in order that thereby the Names of such Persons liable to be assessed to such paving or other Rates or Assessments, and the Messuages or Hereditaments in respect whereof such Person or Persons should be charged to such Rates or Assessments, and the Value of such Messuages or Hereditaments, may be more correctly ascertained ; and that such Clerk or Clerks or other Person or Persons so appointed, at the Expence of the Commissioners or Trustees or other Persons by whom he or they shall be employed or appointed, may then take Copies or Extracts from such Books and Rates and Assessments at his or their Pleasure ; and the Clerk or Clerks, Collector or Collectors, or other Persons having the Custody or Power over such Books and Rates and Assessments, shall and he and they is and are hereby directed to produce the same, and all and every of them, whenever thereunto required by the Clerk or Clerks or other Persons so appointed as aforesaid for the Purposes aforesaid, by a Notice signed by such Clerk or Clerks or other Person or Persons so appointed as aforesaid, given to or left for him or them, or any of them, at his or their or any of their Dwelling House or Dwelling Houses, Office or Offices, or last or usual Place or Places of Abode, at the Hour, and on the Day, and at the Dwelling-house or Office mentioned in such Notice ; and that if such Clerk or Clerks, Collector or Collectors, or other Person or Persons having for the Time being the Custody or Power of such Book or Books, Assessment or Assessments, shall neglect so to do, then he or they shall forfeit for such Offence and Neglect and shall pay the Sum of Five Pounds, to be re-

covered in the same Manner in which other Forfeitures and Penalties are herein-after directed to be recovered by virtue of this Act.

Property in
different Dis-
tricts to be
equally
assessed.

XXVIII. And be it further enacted, That if any Messuages or other Hereditaments shall be partly within Two or more parochial or other Districts within the Jurisdiction of this Act, or partly within any parochial or other District within the Jurisdiction of this Act, and partly without such Jurisdiction, then the Inhabitant, Holder, or Occupier thereof, or other Person or Persons liable to be rated in respect thereof, shall be rated and assessed to the Rates and Assessments to be made by virtue of any local Act or Acts of Parliament relating to the Pavements of each of such parochial or other Districts, jointly or separately with any other Objects or Purposes, or by virtue of this Act, to the paving and other such Rates and Assessments, for each of such parochial or other Districts, for a proportionable Part of the Rent or Value thereof, according to the Quantity or Extent or Value of the Part of any such Messuages or other Hereditaments which may be in each of such parochial or other Districts; and that it shall and may be lawful for any Commissioners or Trustees, or any other Persons having the Control of the Pavements in each of such parochial or other Districts, and they are hereby respectively authorized and required, to ascertain, settle, and determine in what Proportion of the Rent or Value of such Messuages or Hereditaments such Person or Persons shall be rated and assessed and shall pay towards the said paving, and other Rates or Assessments of each of such parochial or other Districts respectively.

Commission-
ers may rec-
tify Omissions
in Paving
Rates.

XXIX. And be it further enacted, That if it shall appear to the Commissioners or Trustees, or other Persons having the Control of the Pavements in any Streets or public Places in any parochial or other District within the Jurisdiction of this Act, at any Time or Times after any Paving Rate or Assessment shall have been duly made, or made and allowed,
by

by virtue of any local Act or Acts of Parliament for their parochial or other District, or by virtue of this Act, that the Name or Names of any Person or Persons who ought to be included in such Rate or Assessment hath or have been omitted therein, or that the Name or Names of some Person or Persons hath or have been inserted in such Rate or Assessment as Inhabitants, Holders, or Occupiers of any Messuages or Hereditaments for and in respect of which some other Person or Persons ought to have been rated or assessed, or that any other Alteration or Amendment of such Rate or Assessment may be necessary, then and in any or either of such Cases it shall be lawful for the said Commissioners or Trustees, or other Persons, to add or insert, or cause to be added and inserted, to or in such Rate or Assessment, the Name or Names of the Person or Persons so omitted, together with the Sum or Sums for which he or they ought to be rated and assessed, and the Amount of such Rate or Assessment in respect thereof; and also to insert and substitute, or cause to be inserted and substituted, the Name or Names of such Person or Persons as may be the Inhabitants, Holders, or Occupiers of any Messuages or Hereditaments, instead of and for the Name or Names of the Person or Persons incorrectly inserted in such Rate or Assessment as the Inhabitants, Holders, or Occupiers of any Messuages or Hereditaments, and otherwise from Time to Time to alter and amend the said Rate and Assessment as they may from Time to Time deem necessary; and that every such Addition, Insertion, Alteration, and Amendment, to or in any such Rate or Assessment, shall be valid and effectual in Law to all Intents and Purposes, and the Monies charged to any Person or Persons in consequence thereof shall and may be demanded, received, and recovered in the same Manner as if the Name or Names of such Person or Persons, or other Alteration or Amendment, had been inserted and made in such Rate or Assessment

at the Time of or previous to the original making or Signature or Allowance or Publication thereof, where any Signature or Allowance or Publication may be required by the said local Act or Acts.

Public Build-
ings to be
rated.

XXX. And be it further enacted, That it may be lawful to and for the Commissioners, Trustees, or other Persons having the Control of the Pavements of the Streets or public Places in any parochial or other District within the Jurisdiction of this Act, to include in any Rate or Assessment for or towards the Costs and Charges of paving or repairing the Pavement of and within such parochial or other District, either jointly or separately with any other Objects or Purposes, to be hereafter made by virtue of the respective local Act or Acts relating to the Pavements of such parochial or other District, or to such Pavements and other Objects, or by virtue of this Act, and from Time to Time to rate and assess thereby any cathedral, collegiate, or other Church or Churches, parochial and other Chapels, Meeting-houses, Places for Religious Worship, Hospitals, public Schools, and all other public Buildings within each of such parochial or other Districts, which now is or hereafter may be built, and all other Place or Places which by any local Act or Acts of Parliament relating to any particular parochial or other District may be or are or is liable to be rated or assessed for those Purposes, or any of them, at a Rate not exceeding in any one Year the Sum of One Shilling for every Square Yard of the Foot, Carriage-way, and other Pavements contained in One-half of the entire Width of as much of any and every Street or public Place as shall or may lay before or at the Sides or Rear of, or abut upon or adjoin to such cathedral, collegiate, or other Church or Churches, parochial and other Chapels, Meeting-houses, Places for Religious Worship, Hospitals, public Schools, and other public Buildings or Place or Places respectively, or before, upon, or to the Areas or Ground in front of or surrounding

surrounding or belonging to the same, or any Part or Parts thereof, or the Entrance to the same; and also to rate and assess thereby all and every the Church-yards, Cemeteries, or other Burying Places; dead Walls, and void Spaces of Ground within such parochial or other District, and which are not charged to such Rate or Assessment in respect of any Messuage or other Building whereunto they may be appurtenant, at a Rate not exceeding in any one Year the Sum of One Shilling for every Square Yard of the Foot and Carriage-way, and other Pavements contained in One-half of the entire Width of as much of any and every such Street or public Place as shall or may lay before or at the Sides or Rear of, or abut upon or adjoin to such Church-yards, Cemeteries, or other Burying Places, dead Walls, and void Spaces of Ground, or any Part or Parts thereof; and that every of the said Rates or Assessments so made from Time to Time shall be paid for such cathedral, collegiate, or other Churches, parochial and other Chapels, Meeting-houses, Places for Religious Worship, Hospitals, public Schools, and other public Buildings, Church-yards, Cemeteries, or other Burying Places, dead Walls, and void Spaces of Ground, by the Persons following; (that is to say), the Rates or Assessments of and for any cathedral or collegiate Church, by the Dean and Chapter thereof; and of and for any other Churches or parochial Chapels, and Church-yards and parochial Cemeteries, by the Churchwardens or Chapelwardens thereof respectively for the Time being; and the Rates or Assessments of or for any Hospitals, by the Stewards or Housekeepers of such Hospitals for the Time being; and the Rates or Assessments of or for any public Schools, by the Masters or Mistresses of such public Schools for the Time being; and the Rates or Assessments of and for any Sessions Houses, or Gaols, or Courts of Justice, by the Clerk or Clerks of the Peace for the City, Borough, or County for the Time being; and

the Rates or Assessments of and for any other Public Buildings. by the Housekeeper or other Keepers, or other Person or Persons having the Care of such other public Buildings as aforesaid for the Time being; and that such Rates or Assessments of and for any other Cemeteries or Burial Places, not being parochial, shall be paid by the Owners or Proprietors thereof respectively, or by the Persons who for the Time being shall receive the Money which shall be paid for the Interment of the Dead therein; and such Rates or Assessments of and for any other Chapels or Meeting-houses and Places for Religious Worship (not being parochial) shall be paid by the Owner or Owners, Proprietor or Proprietors, Occupier or Occupiers thereof respectively, or any Person or Persons who shall receive or collect any Money for the Seats or Pews therein, or any other Money arising therefrom; and such Rates or Assessments of and for such dead Walls or void Spaces of Ground shall be paid by the Owner or Owners, Proprietor or Proprietors, Occupier or Occupiers thereof respectively, or the Person or Persons claiming to be the Owner or Owners, Proprietor or Proprietors of any void Spaces of Ground, when there shall be no actual Occupier or Occupiers thereof respectively, as the Commissioners or Trustees or other Persons having the Control of the Pavements in any such parochial or other District shall from Time to Time direct; and that all and every such Persons respectively shall be charged with and shall pay such Sums of Money as shall from Time to Time be rated, assessed, or imposed on or in respect of or for the said Premises respectively; and the Rates or Assessments for any other Place or Places which by any such local Act or Acts as aforesaid may be or is or are liable to be rated and assessed, shall be paid by such Person or Persons, Officer or Officers, as by the same local Act or Acts are directed to pay the Rates thereby authorized to be made and assessed; and that the same Rates and Assess-

Assessments may be recovered from all and every such Persons respectively, and be applied in such Manner as other Rates and Assessments made for and towards the Expences of paving and repairing the Pavements, either separately or jointly with any other Objects and Purposes, are directed to be recovered and applied by any local Act or Acts relating to the Pavements and other Objects and Purposes of such parochial or other District, or in and by this Act.

XXXI. And be it further enacted, That every Rate or Assessment which at any Time or Times hereafter shall be made, laid, or assessed, by virtue of this Act, or by virtue of any local Act or Acts of Parliament, for or towards the paving or repairing the Pavements of the Streets or public Places in any parochial or other District within the Jurisdiction of this Act, and either exclusively or jointly with or for any other Objects or Purposes, for or in respect of any Messuage or Hereditament which any Ambassador, Envoy, Resident Agent, or other public Minister of any Foreign Prince or State, or the Servant of any such Ambassador, Envoy, Resident Agent, or other public Minister, or any other Person who may not be liable by Law to pay such Rate or Assessment, now doth or hereafter shall inhabit, shall be paid by and recoverable from the Landlord or Owner of every such Messuage or Hereditament, who shall be liable and compellable to the Payment thereof; and the same shall be recovered from such Landlord or Owner in such and the same Manner as the other Rates or Assessments made by virtue of this Act, or by virtue of any local Act or Acts of Parliament, for or towards the paving or repairing the Pavements of the Streets or public Places in any parochial or other District within the Jurisdiction of this Act, either exclusively or jointly with or for any other Objects or Purposes, may be recovered from any other Owner or Occupier of any Messuages

Rates of Premises let to Ambassadors payable by Landlords.

Messuages or Hereditaments either by virtue of this Act or of any such local Act or Acts.

Empty
Houses how
rateable.

XXXII. And be it further enacted, That where any Messuages or Hereditaments, at the Time of making any of the Rates or Assessments directed to be made under or by virtue of this Act, or of any local Act or Acts of Parliament, for or towards the paving or repairing the Pavements of the Streets or public Places in any parochial or other District within the Jurisdiction of this Act, either exclusively or jointly with or for any other Objects or Purposes, shall be empty, untenanted, or unoccupied, then and in every such Case it shall and may be lawful to and for the Person or Persons entitled by any local Act or Acts of Parliament, or by this Act to make such Rates or Assessments for such parochial or other District, to rate and assess such Messuages or Hereditaments respectively at One Half of such Rates or Assessments during the Time only that such Messuages or Hereditaments shall be empty, untenanted, or unoccupied; and also in case any such Premises, after the making of such Rates or Assessments, shall become empty, untenanted, or unoccupied, One Half only of such Rate or Assessment shall be charged on such Premises respectively for and during so long Time as the same shall continue empty, untenanted, and unoccupied; and then and in any of the said Cases, the said Rates or Assessments, and all Arrears due thereon, shall be paid by the Owner or Owners, or by the first or any other Tenant or Occupier thereof respectively; and in which last Case every such Tenant or Occupier shall and may and is hereby authorized to deduct and detain the same out of his or their Rent or Rents respectively, and the Owner or Owners of such Messuages or Hereditaments is and are hereby required to allow such Deduction and Payment out of his or their respective Rent or Rents, and the said Tenant or Tenants, Occupier or Occupiers, shall

shall be and is and are hereby acquitted and discharged of and from so much of his or their Rent or Rents as shall be the Amount of any such Rates or Assessments, and all Arrears due thereon so paid by him or them in respect of such Messuages or Hereditaments, during such Period as the same shall have been empty, untenanted, and unoccupied, previous to his or their Tenancy or Occupation thereof.

XXXIII. And be it further enacted, That as to and for any Messuages or other Hereditaments in any parochial or other District within the Jurisdiction of this Act, the yearly Value of any of which Messuages or Hereditaments shall not exceed Twenty Pounds, or which shall be let to weekly or monthly Tenants, or shall be let furnished or in Lodgings, or in separate Apartments, or at Rents which shall become payable and to be collected at any shorter Periods than quarterly, the Owner or Owners of all and every such Messuages or Hereditaments (for the Purposes of this Act, but not as to any Settlement which may be gained by any Person or Persons in respect of his, her, or their renting or occupying such Messuages or Hereditaments, or any Part or Parts thereof), shall be deemed and taken to be the Occupier or Occupiers of such Messuages or Hereditaments, and may be rated and assessed for and in respect of the same accordingly; and that the Person or Persons letting such Messuages or Hereditaments respectively, or claiming or receiving the Rents and Proceeds thereof, may be from Time to Time deemed and considered to be the Owner and Owners thereof; and that all and every such Owner and Owners from Time to Time and at all Times hereafter may be rated and assessed to and by any Rates or Assessments made or to be made for or towards the Expence of paving or repairing the Pavements of the Streets or public Places in the parochial or other District within which such Messuages or Hereditaments may be situate,

Rates may be recovered for small Houses let at small Rents, or to weekly or monthly Lodgers.

persons either exclusively or jointly with or for any other Owners or Proprietors either by virtue of any local Act or Acts of Parliament relating to such parochial or other District, or of this Act, as the Occupier or Occupiers of such Messuages or Hereditaments respectively: And the Person or Persons making such Rates or Assessments by virtue of any such local Act or Acts, or of this Act, shall from Time to Time order and determine to rate the actual Occupier or Occupiers of such Messuages or Hereditaments respectively: And the Person or Persons so rated, whether the Owner or Owners, or the Occupier or Occupiers, shall from Time to Time pay or cause to be paid all and every such Rates or Assessments in respect of such Messuages or Hereditaments respectively; and upon Nonpayment thereof, such Rates or Assessments may be levied by the Districts and Sale of the Goods and Chattels of such Person or Persons respectively, wheresoever they shall be found, or of the Goods and Chattels of the Person or Persons inhabiting the same Messuages or Hereditaments respectively, and may be otherwise sued for or recovered in like Manner in which such Rates or Assessments may be levied and recovered from any other Persons by virtue of such local Act or Acts of Parliament, or by virtue of this Act: Provided always, that no Owner or Owners, nor any Person or Persons, shall be charged with or liable to pay for and in respect of any increased Rent reserved or made payable to him or them for or on account of any Agreement made by such Owner or Owners, or Person or Persons, with the actual Occupier or Occupiers of such Messuages or Hereditaments, that such Owner or Owners or other Person or Persons would pay the several Rates or Assessments theretofore chargeable upon the Occupier or Occupiers of such Messuages or Hereditaments respectively: And provided also, that if the Owner or Owners of any Messuage or Hereditament, the yearly Value whereof shall not exceed
Twenty

Twenty Pounds, and which shall be let to One Tenant only at a Rent which shall become payable and be collected only by quarterly Payments, shall be rated and assessed as the Occupier or Occupiers of any such Messuage or Hereditament, then upon Request in Writing under the Hand or Hands of any such Owner or Owners, and a true and full Statement in Writing of the Name of the actual Tenant or Occupier of every such Messuage or Hereditament, and such other Information relating thereto as the Commissioners or Trustees or other Persons having the Control of the Pavements in any such parochial or other District respectively shall from Time to Time direct and require, and to their Satisfaction, the said Commissioners or Trustees or other Persons afore said shall compound with any such Owner or Owners of such Messuage or Hereditament for Payment of the said Rates or Assessments for and in respect of every such Messuage or Hereditament, at such reduced yearly Rental as such Commissioners, Trustees, or other Persons shall think reasonable, not being more than Three Fourth Parts nor less than One Half of the Rack Rent or annual Value of each of such Messuages or Hereditaments respectively, or shall remit to such Owner or Owners such Part of such Rate or Assessment as such Commissioners, Trustees, or other Persons shall think reasonable, not being less than One Fourth Part nor more than One Half of such Rates or Assessments to which such Owner or Owners shall be rated or assessed in respect of each of such Messuages or Hereditaments respectively; and also, that it may be lawful for the said Commissioners or Trustees, or other Persons as afore said, if they shall think proper, to compound with any Owner or Owners of any Messuages or other Hereditaments in their parochial or other District, which shall be let to weekly or monthly Tenants, or which shall be let furnished or in Lodgings, or in separate Apartments, or at Rents which shall become payable or
to

to be collected at any shorter Periods than quarterly, for Payment of the said Rates or Assessments for or in respect of such Messuages or Hereditaments at such reduced yearly Rental as such Commissioners or Trustees or other Persons shall think reasonable, not being less than Two Third Parts of the Rack Rent or annual Value of such Messuages or Hereditaments respectively, or to remit to the Owner or Owners of any such Messuages or Tenements respectively last mentioned such Part of such Rate or Assessment as such Commissioners, Trustees, or other Persons shall think proper, not being more than One Third Part of the Rates or Assessments to which such Owner or Owners shall be rated or assessed in respect of each of such last-mentioned Messuages or Hereditaments respectively, or otherwise to collect from such Owner or Owners the whole of such Rates or Assessments, as they shall think proper; and also that any such Commissioners, Trustees, or other Persons as aforesaid, may vary, discontinue, or renew either or any of such Compositions, as such Commissioners, Trustees, and other Persons shall from Time to Time deem expedient.

Agreements
between
Landlords
and Tenants
not to be im-
peached.

XXXIV. Provided always, and be it further enacted, That nothing in this Act contained shall be construed, deemed, or taken to impeach, alter, or make void any Agreement made between any Landlord and Tenant, in any Lease now granted or hereafter to be granted, pursuant to any Contract or Agreement now existing; any thing in this Act contained to the contrary thereof notwithstanding.

Rates may be
levied.

XXXV. And be it further enacted, That in case at any Time or Times hereafter any Owner or Owners, or Occupier or Occupiers of any Messuage or Hereditament, situate in any Street or Place in any parochial or other District within the Jurisdiction of this Act, for and in respect whereof he or they shall be rated or assessed to any Rate or Assessment made or to be made for and towards
the

the Expences of paving or repairing the Pavement of the Streets or public Places in such parochial or other District, and either exclusively or jointly with or for any other Objects or Purposes, either by virtue of any local Act or Acts of Parliament relating to such parochial or other District, or by virtue of this Act; or any other Person or Persons so rated and assessed, or liable to be rated and assessed, or to pay the Money so rated or assessed as aforesaid, shall refuse or neglect to pay the Money rated and assessed upon him or them respectively, or which he or they may be liable to pay by virtue of such local Act or Acts of Parliament or of this Act, and all Arrears now or hereafter due thereon, or upon any former Rate or Rates or Assessment or Assessments, it shall be lawful for any one of His Majesty's Justices of the Peace for the City, Borough, or County wherein such parochial or other District shall be situate, and he is hereby authorized and directed, by Writing under his Hand, or in his Name under the Hand of any Person authorized by him to sign the same, on Complaint made by the Commissioners, Trustees, or other Persons having the Control of the Pavements of such parochial or other District, or any one or more of them, or any Officer or other Person appointed by them, to summon all and every Person and Persons who shall have refused and neglected as aforesaid, to appear, at a Time and Place to be mentioned in such Summons, before such Justice, or before any Justice or Justices of the Peace for the same City, Borough, or County, who shall be then and there present; and it shall be lawful for any Person appointed to collect and receive such Rates or Assessments, or for any of the Constables, Headboroughs, or Beadles of any such parochial or other District, or for any other Person, to serve all and every such Summons and Summonses upon all and every Person and Persons so refusing or neglecting to pay as aforesaid, either by delivering
the

the same to the Person or Persons thereby intended to be summoned, or by leaving the same at his or their last or usual Place or Places of Abode, or at or on the Premises for or in respect whereof the Rate or Rates, Assessment or Assessments mentioned in such Summons, shall remain due and owing; and if any Person or Persons so summoned shall refuse or neglect to attend at the Time and Place mentioned in such Summons, or if he or they shall attend, and shall not shew good and sufficient Cause to such Justice or Justices as may be then and there present, that he or they is or are not chargeable with such Rate or Rates, Assessment or Assessments, then and in every such Case every such Person or Persons shall pay the Rate or Rates in respect of which such Summons was issued, and also the Costs and Charges of such Summons; and in all Cases where such Rate or Rates, Assessment or Assessments, or any of them, shall not be paid upon the Return of such Summons, it shall be lawful for the Justice who shall have signed and issued such Summons or Summonses, or who shall have directed such Summons and Summonses to be signed and issued as aforesaid, or for any other Justice of the Peace for the same City, Borough, or County, and he is hereby authorized and required, upon Oath made before him of the due Service of such Summons or Summonses by the Person who shall have served the same, to grant a Warrant under his Hand and Seal, authorizing or directing any such Person appointed to collect such Rate or Rates, Assessment or Assessments as aforesaid, or any Constable, Headborough, or Beadle of the said parochial or other District, or any other Constable, Headborough, or other Person, to levy such Rate or Rates, Assessment or Assessments, and all Arrears thereof, and the said Costs and Charges of the Summons (if the same shall not have been paid before), and the Costs and Charges of every such Warrant; and also the Costs, Charges, and Expences

Expences of executing the same, by Distress of the Goods and Chattels of the Person or Persons so neglecting or refusing, which shall be found either within the said parochial or other District, or elsewhere, and of which said Goods and Chattels he or they may either continue in Possession on the said Premises where the same shall be distrained, or they may be removed therefrom, as the Person or Persons making the Distress shall think proper; and if within Five Days next after any Distress shall be made pursuant to the Directions of this Act, the said Rate or Rates, Assessment or Assessments, with all Arrears due thereon, together with all the said Charges for the said Summons, and the said Charges for the said Warrant, and the Charges and Expences of executing the same Warrant, and of making such Distress, and of keeping such Goods and Chattels, shall not be paid, then the said Person appointed to collect as aforesaid, or the Constable, Headborough, Beadle, or other Person authorized by the said Warrant, shall cause the said Goods and Chattels to be appraised by one or more Appraiser or Appraisers, and to be sold either on the Premises where the same shall be distrained, or elsewhere, or such Part or Parts thereof as in his or their Judgment shall be sufficient to pay the said Rate or Rates, Assessment or Assessments, together with all Arrears due thereon, and the said Costs, Charges, and Expences of the said Summons, Warrant, Distress, Removal, or keeping Possession of such Goods and Chattels so distrained, and the reasonable Costs, Charges, and Expences of appraising and selling the same, and shall return the Overplus (if any) to the Owner or Owners of such Goods and Chattels respectively, upon Demand thereof made by him or them; and in case no such Goods and Chattels can be found to be distrained by virtue of any such Warrant, or in case any such Goods and Chattels shall be locked up or secured, or shall be removed, so that such Person appointed to collect

collect the said Rates or Assessments as aforesaid, or such Constable, Headborough, Beadle, or other Person, cannot distrain the same, or in case, after such Distress and Appraisement or Sale as hereinbefore are directed, the Proceeds thereof shall not be sufficient to pay such Rates or Assessments, with the Arrears due thereon, and all the said Costs, Charges, and Expences as aforesaid, then and in any of such Cases, upon Information thereof given to any Justice of the Peace for the City, Borough, or County within which such parochial or other District shall be situate, it shall be lawful to and for any such Justice of the Peace, and he is hereby authorized and required, to issue a Warrant under his Hand and Seal for the Apprehension of any such Person or Persons making Default in the Payment of such Rates or Assessments and the Arrears thereof, or of any Part thereof, and of such Costs, Charges, and Expences, or any of them, and to commit such Person or Persons to the Common Gaol or House of Correction for the City, Borough, or County within which such parochial or other District shall be situate, there to remain without Bail or Mainprize for any Time not exceeding the Space of One Calendar Month, unless such Rates or Assessments and all Arrears thereof, and all such Costs, Charges, and Expences, or so much thereof as shall remain unsatisfied by any such Distress or Distresses or otherwise, shall be sooner paid.

**Constables to
assist in such
Levy.**

XXXVI. And be it further enacted, That in all Cases where a Distress is authorized to be made by any local Act or Acts of Parliament relating to the paving of any parochial or other District within the Jurisdiction of this Act, either exclusively or jointly with or for any other Objects or Purposes, or by this Act, if any Constable or Headborough of any Parish or Place within which such parochial or other District shall be situate, or of any other Parish or Place where such Distress is to be made, upon being required by any Person appointed to collect any Rates

Rates or Assessments, or by any other Person (who shall have obtained a Warrant for such Distress from any Justice of the Peace), shall refuse or neglect to aid or assist in making a Distress and Sale pursuant to such Warrant, every such Constable or Headborough shall for every such Offence forfeit and pay the Sum of Five Pounds, to be recovered in the same Manner in which other Penalties and Forfeitures are herein-after directed to be recovered by virtue of this Act.

XXXVII. And be it further enacted, That every Warrant of Distress for Non-payment of any Rates or Assessments, authorized and directed to be issued by virtue of this Act, shall be in the Words or to the Effect following :

Form of
Warrant of
Distress.

‘ (To wit) } TO the Collectors of the Paving
‘ [Insert the City, } Rates [or, of the
‘ Borough, or County.] }
‘ paving and lighting, and watching and cleansing
‘ Rates, as the Case may be] for the Parish or
‘ District of [describe the District according to the
‘ local Act] and to all Constables, Headboroughs,
‘ Beadles, and Peace Officers for the [City, Bo-
‘ rough, or County aforesaid, as the Case may be]
‘ Whereas the under-mentioned Person [or Persons,
‘ if more than One] now or late an Owner or Oc-
‘ cupier [or Owners or Occupiers, if more than One]
‘ of a Messuage [or of Messuages, if more than One
‘ Person be included in the Warrant] or other
‘ Hereditaments within the said [insert the Name of
‘ the District] was and is, or were and are [as the
‘ Case may be] rated and assessed, or is or are [as
‘ the Case may be] liable to the Payment of the Sum
‘ or Sums of Money set at and opposite to his or
‘ their respective Name or Names [as the Case may
‘ be] hereunder written, by virtue of a Rate or
‘ Rates duly made under and by virtue of a certain
‘ Act [or Acts] passed in the Year [or Years,
‘ as the Case may be] of the Reign of [set
‘ forth the Title of the Act or Acts under which the
‘ Rate or Rates were made]: And whereas the said

‘ Person or Persons has or have [*as the Case may*
 ‘ *be*] refused or neglected to pay the Sum or the
 ‘ several Sums of Money set at and opposite his or
 ‘ their Name or Names [*as the Case may be*] here-
 ‘ under written, due from him or them by virtue of
 ‘ such Rate or Rates [*as the Case may be*], and the
 ‘ said several Sum and Sums of Money is or are
 ‘ [*as the Case may be*] still remaining due and un-
 ‘ paid, as appeareth upon Oath to me, One of His
 ‘ Majesty’s Justices of the Peace for the said [City,
 ‘ Borough, or County, *as the Case may be*]; and the
 ‘ said several Person or Persons [*as the Case may be*]
 ‘ having been summoned to appear to answer the
 ‘ Premises, as also appeareth to me the said Justice
 ‘ upon Oath, and neither he or they nor either of
 ‘ them [*as the Case may be*] having shewn any suffi-
 ‘ cient Cause why such Sum or Sums of Money
 ‘ [*as the Case may be*] should not be paid by him or
 ‘ them respectively [*as the Case may be*], as also
 ‘ appeareth to me upon Oath: Now these are
 ‘ therefore in His Majesty’s Name to will and re-
 ‘ quire you or either of you forthwith to levy the
 ‘ said Sum or several Sums of Money [*as the Case*
 ‘ *may be*] due from the said Person or Persons [*as*
 ‘ *the Case may be*] and hereunder set at and opposite
 ‘ to his or their Names respectively [*as the Case*
 ‘ *may be*] and also the Two several Sums of [*inserting*
 ‘ *the Amount of the Cost and Charges for the Sum-*
 ‘ *mons, and for the Warrant, or for either of them,*
 ‘ *as the Case may be*] for the Costs and Charges of
 ‘ the said Summons and of these Presents, by Dis-
 ‘ tress and Sale of his or their respective Goods and
 ‘ Chattels [*as the Case may be*] such Goods and
 ‘ Chattels being kept for the Space of Five Days
 ‘ before the same are sold, rendering to him or
 ‘ them respectively [*as the Case may be*] the Over-
 ‘ plus (if any) on Demand, and the reasonable
 ‘ Charges of such Distress, and of any Removal or
 ‘ keeping Possession, Appraisement or Sale thereof,
 ‘ being first deducted; and if no sufficient Distress
 ‘ can

‘ can be had or taken, that then you certify the
 ‘ same to me, to the end such Proceedings may be
 ‘ had therein as to the Law doth appertain: And I
 ‘ do hereby strictly charge and command all and
 ‘ singular the Constables, Headboroughs, and other
 ‘ His Majesty’s Peace Officers for the said [City,
 ‘ Borough, or County, *as the Case may be*] to be
 ‘ aiding and assisting in all Things relating to the
 ‘ Premises. Given under my Hand and Seal, this
 ‘ Day of in the Year
 ‘ of our Lord

	£	s.	d.
‘ A. B. - - - - -			
‘ C. D. - - - - -			
‘ E. F. (the Landlord for divided Premises)			
‘ G. H. - - - - -			

XXXVIII. Provided always, and be it further enacted, That it shall be lawful at any Time or Times hereafter for the Commissioners or Trustees, or other Persons having the Control of the Pavements of any parochial or other District within the Jurisdiction of this Act (if they shall think it expedient), in the Name or Names of their Treasurer or Treasurers, Clerk or Clerks for the Time being, or of any Person or Persons appointed by them to collect or receive any Rate or Rates, Assessment or Assessments, made or to be made for or towards the Charges of paving or repairing the Pavement of the Streets or public Places in any such parochial or other District, either exclusively or jointly with or for any other Objects or Purposes, to bring or cause to be brought any Action or Actions of Debt, or Special Action on the Case, or other Action or Actions, in any of His Majesty’s Courts of Record at *Westminster*, or to proceed in any Court of Requests, or other Court whatever (for the Recovery of Debts above or under Five Pounds) within the Jurisdiction of which the said Messuages or Hereditaments in respect whereof such Rates or Assess-

Rates may also be recovered by Actions.

ments shall be made, or wherein the Person or Persons or either of them against whom such Action or Actions or other Proceedings may be brought shall reside, and against any Executors or Administrators of any Person or Persons deceased, or against any Messengers or Assignees, or Sheriffs or other Officers, or against any other Person or Persons liable to pay the Sum or Sums of Money for or in respect of or by virtue of any Rates or Assessments made for or towards the Expences of paving or repairing the Pavements of the Streets or public Places in any such parochial or other District, either exclusively or jointly with or for any other Objects or Purposes, by virtue of any local Act or Acts of Parliament relating to such parochial or other District, or by virtue of this Act, for the Recovery of the Sum or Sums of Money due from any such Person or Persons dying or becoming Bankrupt, or whose Goods, Chattels, or Effects may be seized or taken in Execution or otherwise, or from any other Person or Persons liable to pay the same by virtue or in respect of any such Rates or Assessments; and that in any such Action or Actions or other Proceedings it shall be sufficient for the Plaintiff or Complainant to declare or allege, that the Person or Persons against whom such Action or Actions or other Proceedings may be brought is indebted to such Plaintiff or Complainant in such Sum or Sums of Money as shall appear to be due by or on account of any such Rates or Assessments; and that it shall only be necessary for such Plaintiff or Complainant to produce any such Rate or Rates, Assessment or Assessments, and to prove that the Person or Persons against whom such Action or Actions or other Proceedings shall be brought, or who shall be deceased, or who hath become Bankrupt, or whose Goods, Chattels, or Effects have been taken in Execution or otherwise, was or were the Person or Persons mentioned in such Rate or Assessment, or liable to the Payment thereof by virtue

tue of any local Act or Acts of Parliament, or of this Act, to entitle such Plaintiff or Complainant to recover the whole of the Sum or Sums of Money for the Recovery whereof such Action or Actions or other Proceedings shall be brought against such Person or Persons, or against such Executors or Administrators, Messengers or Assignees, or Sheriffs or other Officers; and that if such Plaintiff or Complainant by any such Action or Actions or other Proceedings shall recover such Sum or Sums of Money so intended to be recovered thereby, or any Part thereof, he shall have the full Costs of such Actions or other Proceedings, to be levied in the Manner in which all other Monies and Costs recovered in any Court or Courts wherein such Action or Actions or other Proceedings shall be brought, may be levied and obtained; and that in any such Action or Actions no Effoign, Protection, or Wager of Law, nor more than One Impar lance, shall be allowed.

XXXIX. And be it further enacted, That all and every the Rates or Assessments which shall be made for or towards the Expences of paving or repairing the Pavement of the Streets or public Places in any parochial or other District within the Jurisdiction of this Act, either exclusively or jointly with any other Objects or Purposes, and either by virtue of any local Act or Acts of Parliament relating to such parochial or other District, or by virtue of this Act, shall be paid by the Executors or Administrators of any Person or Persons who shall be charged in such Rates or Assessments with the Payment of any Sum or Sums of Money for or in respect of any Messuages or Hereditaments within any such parochial or other District, and who shall depart this Life without paying the same, out of the first Effects of the Person so dying, which shall come to their or any of their Hands, in preference to all other Debts (except Debts to the King's Majesty), and shall also be paid in like Manner by any Messengers and

Rates may be recovered from the Estates of Persons who die or become insolvent.

Assignees acting under any Commission of Bankrupt, and every Sheriff or other Officer acting under any Writ or Writs issued out of any Court or Courts of Law or Equity, or any other Court or Courts, and who shall seize or take Possession of any Goods, Chattels, or Effects of any Person or Persons so rated or assessed, and from whom any Sum or Sums of Money by virtue of any such Rates or Assessments shall then be due and unpaid; and that it shall and may be lawful to and for the Commissioners or Trustees, or other Persons having the Control of the Pavements of the parochial or other District wherein the Messuages or Hereditaments shall be situate for and in respect whereof such Rates or Assessments shall be due, and for any Person appointed by them to collect and receive such Rates or Assessments, to compel the Payment of all and every such Sum and Sums of Money by such Executors or Administrators, or Messengers or Assignees, Sheriffs or other Officers, by Distress or by Action at Law, or by such other Means as are appointed by this Act for the Recovery of Rates or Assessments when unpaid by any Person or Persons whomsoever, and by such other legal Ways and Means as to them shall seem meet: Provided always, that nothing herein contained shall extend or be construed to extend so as to charge such Messenger or Assignee, or Sheriff or other Officer, with the Payment of any of such Rates or Assessments for more than One Year then last past, or of any larger Sum or Sums of Money than the Value of the Goods, Chattels, or Effects which any such Messenger or Assignee, or Sheriff or other Officer, shall seize, or of which Possession shall be taken by him or them.

Rates may be recovered from Persons removing.

XL. And be it further enacted, That in case at any Time or Times hereafter any Person or Persons who hath or have been rated and assessed to any Rates or Assessments which shall be made by virtue of this Act, or by virtue of any local Act or Acts
of

of Parliament, for and towards the Expences of paving and repairing the Pavements of any Streets or public Places in any parochial or other District within the Jurisdiction of this Act, either exclusively or jointly with any other Objects or Purposes, shall quit his or their Messuages or Hereditaments within the said parochial or other District, for or in respect whereof he or they shall be rated or assessed, before he or they shall have paid any such Rates or Assessments, then and in every such Case it shall be lawful for any Person or Persons appointed to collect or receive any such Rates or Assessments by the Commissioners or Trustees, or other Persons having the Control of the Pavements of such parochial or other District, or any one of them, (Oath being made by him or them that he or they doth or do suspect that such Person or Persons hath or have removed his, her, or their Goods and Chattels) by Warrant under the Hand and Seal of any of His Majesty's Justices of the Peace for the City, Borough, or County where such parochial or other District shall be situate, and which Warrant such Justice or Justices is or are hereby authorized and required to grant, (and in case such Person or Persons shall have removed into any other County, City, or Place, such Warrant being first backed and countersigned by some Magistrate of the County, City, or Place to which such Person or Persons shall have removed, and which Warrant every such Magistrate is hereby empowered and directed, without Fee or Reward, to back or countersign), to distrain and appraise and sell the Goods and Chattels of such Person or Persons who shall have so quitted the said Messuages or Hereditaments before he or they shall have paid such Rates or Assessments, for the Sum or Sums of Money due from any such Person or Persons by virtue of such Rates or Assessments, or any of them, or any Part thereof, and for all Costs, Charges, and Expences occasioned by such Warrant, Distress,

trefs, Appraisement, and Sale, in any County, City, or Place to which such Person or Persons shall have removed, in such and the same Manner as if the same Person or Persons had continued in the parochial or other District wherein the Messuages or Hereditaments shall be situate in respect whereof any such Rates or Assessments shall have been made.

Rates collected from Tenants of divided Tenements to be repaid by Landlords.

XLI. And be it further enacted, That the Goods and Chattels of each and every Person and Persons renting and occupying any separate Part or Apartment of or in any Messuage or Hereditament, and the Goods and Chattels in every Messuage or Hereditament let ready furnished, although the Person or Persons occupying such Messuage or Hereditament, or separate Part or Apartment, be not rated or assessed under or by virtue of this Act, or of any local Act or Acts of Parliament relating to any parochial or other District within the Jurisdiction of this Act, shall be liable to be distrained and sold by virtue of any Warrant under the Hand and Seal of One of His Majesty's Justices of the Peace, which he is by this Act authorized and directed to grant, for any Rates or Assessments made by virtue of this Act, or of any local Act or Acts, for or towards the Expences of paving and repairing the Pavements of such parochial or other District, and either exclusively or jointly with any other Objects and Purposes, which have accrued or become due during the Term of the Occupancy by any such Person or Persons of any such Messuage or Hereditament, or separate Part or Apartment thereof, and for the Costs and Charges and Expences of such Warrant, and of any Appraisement, Possession, Removal, or Sale of such Goods and Chattels, or attendant thereupon; but no such Person or Persons shall be required or compellable to pay any greater Sum for or towards the Discharge of the said Rates or Assessments, or any of them, than the Amount of the Rent actually due and payable by

by such Person or Persons to the Owner or Owners of such Messuage or Hereditament, or other Person or Persons rated or assessed as the Occupier or Occupiers of the Messuages or Hereditaments so entirely or partly occupied by such Person or Persons; and that each and every Person or Persons who shall pay any such Rates or Assessments as ought to have been paid by the Owner or Owners of any such Messuage or Hereditament, or by his or their Landlord or Landlords, or upon whose Goods or Chattels the same shall be levied in pursuance of this Act, shall and may deduct the same from and out of the Rent due and payable or to become due and payable to his or their Landlord or Landlords so letting out the same Messuage or Hereditament, or separate Part or Apartment, to him or them, (unless there shall be some Agreement to the contrary between the Landlord and Tenant); and the Receipt and Receipts for such Payment or Payments shall be a sufficient Discharge to every such Person or Persons for so much Money as he or they shall have so paid, or which shall have been so levied on his or their Goods and Chattels in pursuance of this Act, and shall be repaid by such Owner or Owners, or be allowed by such Landlord or Landlords of such Messuages or Hereditaments, in part or full Payment, as the Case may be, for the Rent due or to become due to him or them from such Person or Persons as aforesaid, for or in respect of such Messuages or Hereditaments, or separate Parts or Apartments thereof respectively.

XLII. And be it further enacted, to prevent Disputes touching the Designation of Owner or Landlord or Proprietor of any Messuages or Hereditaments intended to be made liable to be rated and assessed by any Rates or Assessments made or to be made for or towards the Expences of paving or repairing the Pavements of any Streets or public Places in any parochial or other District within the Jurisdiction of this Act, and either exclusively or jointly

Persons
receiving
Rents to be
deemed
Owners.

jointly with any other Objects or Purposes, and either by virtue of this Act or of any local Act or Acts of Parliament, That the Person or Persons legally authorized and empowered to receive and collect, or receiving and collecting, or claiming to be entitled to receive and collect, the Rents of any Messuages or Hereditaments from the Tenants or actual Occupiers thereof, or any of them, may be deemed and taken to be the Owner or Owners, Landlord or Landlords, Proprietor or Proprietors of such Messuages or Hereditaments, and shall be liable to be rated and assessed, and shall be compellable to pay the Rates and Assessments, in respect of such Messuages or Hereditaments, in all Cases in which either Owners or Landlords or Proprietors are made liable to be rated and assessed, and to the Payment of Rates and Assessments by virtue of this Act, or of any such local Act or Acts, unless the real Owner or Owners, or Landlord or Landlords, or Proprietor or Proprietors thereof, shall be declared by himself or themselves to be the real Owner or Owners, Landlord or Landlords, or Proprietor or Proprietors thereof, or shall be distinctly and certainly known to their Satisfaction by the Commissioners or Trustees, or other Persons having the Control of the Pavements in any such parochial or other District.

Rates may be apportioned between incoming and outgoing Tenants.

XLIII. And be it further enacted, That in case any Person or Persons now or hereafter occupying any Messuage or other Hereditament in any parochial or other District within the Jurisdiction of this Act, shall remove out of or from or quit the Possession of any such Messuage or Hereditament, before any Rate or Assessment made or to be made for and towards the Expence of paving or repairing the Pavements in any such parochial or other District, and either exclusively or jointly with any other Objects or Purposes, charged on or in respect of any such Messuage or Hereditament by virtue of any local Act or Acts of Parliament relating to such parochial

parochial or other District, or of this Act, shall be paid and discharged; or if any Person shall enter into the Occupation of any such Messuage or Hereditament, out of or from which any other Person shall have so removed, before any such Rate or Assessment shall have been paid and discharged, or which, at the Time of rating or assessing the same, shall be empty or unoccupied, then and in every such Case, the Person so removing out of, and the Person entering into the Possession or Occupation of any such Messuage or Hereditament, shall be respectively liable to the Payment of every such Rate or Assessment, in proportion to the Time that such Person or Persons possessed or occupied the same respectively, in like Manner as if the Person so removing or quitting as aforesaid had remained in the Possession or Occupation of such Messuage or Hereditament, or the Person or Persons so entering into the Occupation thereof had been rated or assessed in respect thereof in any such Rate or Assessment at the Time of the making thereof; and that the Amount of such Proportion (in case any Disputes should arise) may be ascertained and determined by the Commissioners or Trustees or other Persons having the Control of the Pavements of the parochial or other District in which such Messuage or other Hereditament may be situate; and that according to such Determination such Rates and Assessments shall be paid by each of such Persons in such Proportion, and may be levied and recovered from each of such Persons accordingly; but that the same shall be without Prejudice to any of the Provisions herein-before contained as to the Messuages or Hereditaments being empty and unoccupied, and as to the Rates or Assessments remaining charged on the Messuages or Hereditaments in respect whereof they shall be made, or to any other of the Provisions herein-before contained.

XLIV. And

Rates may be
remitted on
account of
Poverty.

XLIV. And be it further enacted, That it shall and may be lawful from Time to Time, and at all Times hereafter, for the Commissioners or Trustees, or other Persons having the Control of the Pavements in any parochial or other District within the Jurisdiction of this Act, and they are hereby empowered, upon the Complaint or Request of any Person or Persons subject to the Payment of any Rate or Rates, Assessment or Assessments, made or to be made for or towards the Expences of paving or repairing the Pavements of any Streets or public Places within any such parochial or other District, and either exclusively or jointly with or for any other Objects or Purposes, and either by virtue of this Act or of any local Act or Acts of Parliament relating to any such parochial or other District, who shall think himself, herself, or themselves aggrieved thereby, or incompetent to pay the same, to mitigate, reduce, or lessen the same, as they in their Discretion shall think just and reasonable, and also to remit or excuse the Payment thereof for any Cause which they shall deem sufficient, or for or on account of the Poverty or Indigence of any Person or Persons liable to pay the same, so complaining or requesting the Remission or Reduction of any such Rates or Assessments.

Commission-
ers, &c. to
appoint a
Treasurer.

XLV. And be it further enacted, That the Commissioners or Trustees, or other Persons having the Control of the Pavements of the Streets or public Places in any parochial or other District within the Jurisdiction of this Act, may from Time to Time appoint One or more Treasurer or Treasurers for receiving all the Monies to be raised and collected for and towards the Expences of paving or repairing the Pavements in such parochial or other District, either exclusively or jointly with or for any other Purposes or Objects, and either by virtue of this Act or of the respective local Act or Acts of Parliament relating to their respective parochial or
other

other Districts, not being also the Clerk or Clerks to the said Commissioners or Trustees or other Persons having the Control of the Pavements of the Streets or public Places in any such parochial or other District; and from Time to Time, as they shall think necessary, may remove such Treasurer or Treasurers, and appoint such other Person or Persons in his or their Stead, as they shall think proper; and such Treasurer and Treasurers is and are hereby directed to keep distinct Accounts of the Monies by him or them received and paid of, for, or on account of such Commissioners, Trustees, or other Persons having the Control of the Pavements, by whom he or they shall have been appointed, and from Time to Time to pay and discharge all such Sums of Money as the said Commissioners, Trustees, or other Persons as aforesaid shall order and direct him or them thereout to pay; and the said Treasurer or Treasurers shall account, whenever thereunto required by the said Commissioners or Trustees, or other Persons by whom he or they shall have been appointed, for all the Monies by him or them received and paid of, for, or on account of the said Commissioners or Trustees, or other Persons; and the said Treasurer or Treasurers shall pay all such Monies as upon the Balance of the said Accounts respectively shall remain in his or their Hands to such Person or Persons as the said Commissioners or Trustees, or other Persons by whom he or they shall have been so appointed, shall by Writing under their Hands authorize to receive the same, whenever he or they shall be required so to do; and if any such Treasurer or Treasurers shall at any Time or Times refuse or neglect to render any such Accounts, and make such Payments as aforesaid, then and in every such Case every and any such Treasurer or Treasurers shall be liable to such Proceedings, and upon Conviction shall be liable to such Penalties and Punishments, as by this Act, or by any local Act or Acts of Parliament relating

relating to such parochial or other District, by the Commissioners or Trustees or other Persons having the Control of the Pavements whereof he or they shall have been so appointed, are imposed or directed to be imposed on Collectors or other Officers neglecting or refusing to account at the Times and in the Manner thereby directed; and that any Person or Persons being so appointed a Treasurer as aforesaid, although he shall be a Commissioner or Trustee, or one of the Persons having the Control of the Pavements of such parochial or other District, shall not in consequence of such Appointment become disqualified or incapable to act as a Commissioner or Trustee, or in the Control of the Pavements for such parochial or other District; any thing in this Act or in any local Act or Acts of Parliament to the contrary in anywise notwithstanding.

Treasurers, if appointed, to give Security.

XLVI. And be it further enacted, That if the Commissioners or Trustees or other Persons having the Control of the Pavements in any parochial or other District within the Jurisdiction of this Act, shall have appointed or shall hereafter appoint any Treasurer or Treasurers as aforesaid, then and in every such Case such Commissioners or Trustees or other Persons shall and they are hereby required to take good and sufficient Security from such Treasurer or Treasurers, by the Bond or Bonds of Two or more sufficient Persons in a sufficient Penalty, and such further Security as they may deem necessary and shall approve, conditioned that such Treasurer or Treasurers shall duly account for and pay all Monies received by him or them pursuant to the Directions of this Act, or of the local Act or Acts of Parliament relating to such parochial or other District, by the Commissioners or Trustees or other Persons having the Control of the Pavements whereof he or they shall be or shall have been so appointed.

Collectors and other

XLVII. And be it further enacted, That the Commissioners or Trustees, or other Persons having

ing the Control of the Pavements of any parochial or other District within the Jurisdiction of this Act, may at any Meeting or Meetings appoint a Clerk or Clerks, and may appoint One or more Collectors of the Rates or Assessments, and an Inspector or Inspectors of the Pavement within their parochial or other District, and such other Officer or Officers for the Execution of this Act or of the local Act or Acts of Parliament relating to the paving of such parochial or other District, exclusively or jointly with any other Matters or Objects, as such Commissioners, Trustees, or other Persons shall think proper, and may from Time to Time remove them or any of them, and appoint other Persons in his or their Stead, as they shall think it necessary or convenient; and by and out of the Monies to be raised by virtue of this Act, or of such local Act or Acts of Parliament, may and they are hereby empowered to appoint and pay such Salaries, Gratuities, and Allowances to such Clerk or Clerks, Collectors, Inspectors, and other Officers, and to the Surveyor or Surveyors of the Pavements by this Act directed to be appointed, and to all other Persons by them the said Commissioners, Trustees, or other Persons employed in the Execution of this Act, or of such local Act or Acts, as they shall think reasonable; and also shall take good and sufficient Security from every such Collectors, and may take such Security for the due Execution of their respective Offices by such other Officers and Persons as aforesaid, as they shall think proper; and that in case of the Appointment of any Collector or Collectors of the said Rates or Assessments, then all and every Person and Persons who is or are liable to pay any such Rates or Assessments, or any Sums of Money authorized to be raised and demanded by this Act, or by such local Act or Acts of Parliament, shall pay the same to such Collectors, or to the Persons who shall from Time to Time be so appointed to collect and receive

Officers may
be also ap-
pointed.

the same, according to the true Meaning of this Act or of such local Act or Acts of Parliament; and that each and every of such Collectors or other Person or Persons weekly and every Week, or as often as they or any of them shall be thereunto required by the Commissioners or Trustees, or other Persons having the Control of the Pavements of such parochial or other District, by whom he or they shall have been so appointed, shall render and deliver unto them the said Commissioners or Trustees or other Persons, or to their Clerk or Clerks, or to any other Persons whom they shall direct, distinct, true, and perfect Accounts in Writing, signed with their own Hands respectively, of all Monies from Week to Week and from Time to Time collected and received by them, and each and every of them respectively, of any Person or Persons whomsoever, for or on account of such Commissioners, Trustees, or other Persons, by whom he or they shall have been so appointed; and that all other Officers and Persons so to be appointed as aforesaid under their Hands, and at such Time and Times and in such Manner as the said Commissioners or Trustees or other Persons by whom they shall have been appointed may direct, shall deliver to them, or to any other Persons whom they shall direct, true and perfect Accounts in Writing of all Matters and Things committed to their Charge, and also of all the Monies which shall have been by such Officers or Persons respectively received by virtue of such Appointment, or for or on account of such Commissioners or Trustees, or other Persons by whom they shall severally have been appointed, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper and legal Receipts or Vouchers for such Payments; and that the said Collectors of the said Rates and Assessments shall weekly and every Week pay to the Treasurer or Treasurers appointed by the said Commissioners or Trustees, or other Persons for the Time being,

or

or to such Person or Persons as they shall direct, all Sum or Sums of Money by each of them respectively collected and received during the preceding Week, or oftener, if the said Commissioners or Trustees or other Persons shall so direct and require; and that all other Officers and Persons so to be appointed as aforesaid shall from Time to Time pay to such Treasurer or Treasurers, or such Person or Persons as the said Commissioners or Trustees or other Persons having the Control of the Pavements shall direct, all Monies which may be and remain in their or any of their respective Hands; and that they the said Collectors for the Time being, and each and every of them, if thereunto required by the said Commissioners or Trustees, or other Persons by whom they shall have been appointed, shall verify the Truth of all Accounts and Statements so rendered and delivered by them from Time to Time respectively upon Oath, and which Oath any and every Commissioner or Trustee, or other Person having the Control of the Pavements in any such parochial or other District, is hereby empowered to administer; and that if any Collector or other Officer or Person appointed as aforesaid, shall not render and deliver, signed with his own Hand, all and every such Statements and Accounts, or shall not verify the same upon Oath when thereunto required as aforesaid, or shall not produce and deliver up the Receipts or Vouchers relating to all Monies received and paid by him, or shall not pay any Monies in his Hands to such Treasurer or Treasurers, or to such other Persons as the Commissioners or Trustees or other Persons by whom he shall have been appointed shall direct, or shall not deliver to such Commissioners or Trustees or other Persons by whom he shall have been appointed, or to any other Person or Persons whom they shall direct, all Books, Papers, and Writings in his or their Custody or Power relating to the Execution of this Act, or of any such local Act or Acts of Par-

liament as aforesaid, within Twenty-four Hours after he shall have been required so to do by the said Commissioners or Trustees or other Persons by whom he shall have been appointed, then and in either of the Cases aforesaid, such Commissioners or Trustees, or other Persons by whom any such Collector or other Officer or Person shall have been appointed, may and they are hereby authorized and empowered to bring or cause to be brought any Action or Actions against any such Collector, Officer, or other Person so neglecting or refusing as aforesaid, for the Recovery of the Monies that shall be in the Hands of such Collector, Officer, or Person respectively, or against the Person or Persons having become Securities for him, or such Commissioners or Trustees or other Persons, or their Clerk or Clerks, or any other Person whom they shall direct for that Purpose, may complain of any such Refusal or Neglect as aforesaid to any Justice of the Peace for the City, Borough, County, or Place wherein such Collector or other Officer or Person so neglecting or refusing shall be and reside; and such Justice may and is hereby authorized and required, by a Warrant under his Hand and Seal, to cause the Collector or other Officer or Person so refusing or neglecting, and against whom such Complaint shall be made, to be brought before him, and upon his appearing, or not being to be found, to hear and determine the Matter in a summary Way; and if upon the Confession of the Party, or by the Testimony of any credible Witness or Witnesses upon Oath, it shall appear to such Justice that any of the Monies that shall have been collected and received by any such Collector or other Officer or Person shall be in the Hands of such Collector or other Officer or Person, or that he shall not have rendered and delivered such true and perfect Account, signed as aforesaid, or shall have detained any Receipts or Vouchers, Books, Papers, or Writings as aforesaid, then such Justice may and is hereby autho-

authorized and required, by a Warrant under his Hand and Seal, to cause such Money, and all Costs, Charges, and Expences incurred and to be incurred thereabouts, to be levied by Distress and Sale of the Goods, Chattels, and other Effects of such Collector or other Officer or Person respectively; and if no Goods or Chattels of such Collector or other Officer or Person can be found sufficient to answer and satisfy the said Money, and the said Costs, Charges, and Expences of distraining, removing, and selling the same Goods, Chattels, and other Effects, and all other Costs, Charges, and Expences to be incurred thereabouts, then and in either of the Cases aforesaid such Justice shall commit every such Offender to the Common Gaol or House of Correction for the City, Borough, or County wherein such parochial or other District shall be situate, or wherein such Offender shall reside, without Bail or Mainprize, until he shall have rendered and delivered, signed as aforesaid, such true and perfect Account as aforesaid, and shall have delivered as aforesaid all Receipts and Vouchers relating thereto, and shall have paid all Monies received by him for and in respect of the said Rates and Assessments, or otherwise as aforesaid, remaining in his Hands, or shall have compounded for the Amount of such Monies due from him with the said Commissioners or Trustees, or other Persons by whom he shall have been appointed, to their Satisfaction, and shall have paid the Amount of such Composition in such Manner as they shall approve (and which Composition they are hereby empowered to make and accept), or until he shall have delivered up all Books, Papers, and Writings as aforesaid in his Custody or Power, or shall have given Satisfaction in respect thereof to the said Commissioners or Trustees, or other Persons by whom he shall have been appointed; and that in any such Action or Actions or other Proceedings against any such Collector, or against any Person or Persons who shall have become Securities for him,

it shall not be necessary for the Commissioners or Trustees or other Persons by whom he shall have been appointed to prove the Receipts by him of every Sum of Money included in any Rate or Assessment which he shall have been appointed to collect, with the Amount whereof and with which they shall seek to charge him or them, and to recover from him or them by any such Action or Actions, or other Proceedings, but that it shall only be necessary for such Commissioners or Trustees or other Persons to prove the total Amount of the several Rates or Assessments which he shall have been appointed to collect, and that the full Amount thereof shall be deemed to be due from him, and from any Person or Persons having become Securities for him, and shall be recovered from and be paid by him or them accordingly, except only such Part or Parts thereof as he or they shall prove, by a credible Witness or Witnesses upon Oath, to have been paid by him the said Collector to such Treasurer or Treasurers as aforesaid, or to some other Person or Persons directed to receive the same by the Commissioners or Trustees or other Persons by whom he shall have been so appointed as aforesaid, or that he hath not received and collected, from the Person or Persons charged with the Payment of any Sums of Money by the said Rates and Assessments which he shall have been appointed to collect, any of the Sums of Money charged by such Rates and Assessments : Provided always, that such Collector or other Officer or Persons so committed as aforesaid shall not be detained and kept in Prison by virtue of such Warrant or for any longer Space of Time than Twelve Calendar Months : Provided also, that no Commissioners or Trustees or other Persons having the Control of the Pavements in any parochial or other District within the Jurisdiction of this Act, by whom any Treasurer or Treasurers, Collector or other Officer, shall be appointed, shall be liable for or by reason of any Default of such Treasurer or Treasurers,

furers, Collector or other Officer, so appointed; and that any Sum or Sums of Money which shall or may be received by any such Treasurer or Treasurers, Collector or other Officer, and which shall not be recovered from him or them, shall and may be made up by any future Rates or Assessments, to be made for or towards the Expences of paving or repairing the Pavements of the Streets or public Places within any such parochial or other District, either exclusively or jointly with or for or towards any other Objects or Purposes whatsoever.

XLVIII. And be it further enacted, That in case any Collector of the Rates or Assessments so appointed as aforesaid shall at any Time retain and have in his Hand any Sum or Sums of Money, amounting together to the Sum of Twenty Pounds, collected and received by him by virtue of such Appointment for the Space of Seven Days, without paying over the same to the Treasurer or Treasurers for the Time being to the Commissioners or Trustees or other Persons having the Control of the Pavements of the Streets or public Places in any parochial or other District within the Jurisdiction of this Act, by whom he shall have been appointed, or to such other Person or Persons as they shall have from Time to Time appointed or directed to receive the same, then every such Collector shall for every such Retention or Offence forfeit and pay the Sum of Twenty Pounds, to be recovered in the same Manner in which other Penalties and Forfeitures are hereinafter directed to be recovered by virtue of this Act.

Collectors
liable to
Penalties on
Retention of
Monies.

XLIX. Provided always, and be it further enacted, That no Prosecution or Commitment, Action or other Proceedings, of or against any Treasurer, Collector, or other Officer appointed as aforesaid, by any Commissioners or Trustees or other Persons having the Control of the Pavements in any Streets or public Places in any parochial or other District within the Jurisdiction of this Act as aforesaid, nor any Composition accepted by them from him, shall

Proceedings
against Offi-
cers not to
discharge
their Secu-
rities.

or Persons, shall die, the Executor or Executors, Administrator or Administrators, Representative or Representatives, or other Person or Persons possessing the Estate and Effects of every such Treasurer or Treasurers, Collector or Collectors, Officer or Officers, or other Person or Persons appointed by the said Commissioners or Trustees or other Persons having the Control of the Pavements of the Streets and public Places within such parochial or other District, or if he or they shall become Bankrupt, then the Assignee or Assignees of the Estate and Effects of such Bankrupt, shall out of such Estate and Effects pay to the said Commissioners or Trustees or other Persons having the Control of the Pavements of the Streets and public Places within such parochial or other District as aforesaid, or to such Person or Persons as they shall from Time to Time direct to receive the same, all such Sum and Sums of Money as shall have been collected or received by such Treasurer or Treasurers, Collector or Collectors, Officer or Officers, or other Person or Persons appointed by the said Commissioners or Trustees or other Persons as aforesaid, and which shall be due and owing from him or them to the said Commissioners or Trustees; or other Persons as aforesaid by whom he or they shall have been so appointed, at the Time of his or their Death, or at the Time of the suing out any Commission of Bankruptcy against him or them, and not paid over, or so much thereof as the said Estate and Effects of such Treasurer or Treasurers, Collector or Collectors, Officer or Officers, or other Person or Persons appointed by the said Commissioners or Trustees or other Persons as aforesaid, who shall so die or become Bankrupt, will extend to pay, and in preference to any other Debt or Debts (except Debts due to the King's Majesty); and the Receipt or Receipts of the said Commissioners or Trustees or other Persons having the Control of the Pavements of the Streets and public Places within such parochial

parochial or other District, or of any Person or Persons directed by them from Time to Time to receive the same, shall be a good Discharge or good Discharges for the Money therein expressed to be received; and that every Executor or Administrator, Assignee or Assignees, or other Persons possessing the Estate and Effects of any such Treasurer, Collector, Officer, or other Person as aforesaid, may, to any Action or Suit commenced or brought against him or them, plead or give in Evidence the Authority of this Act for such Payment, and shall be allowed the same prior to any other Debt or Demand whatsoever (save and except only Debts due to the King's Majesty as aforesaid); and in case of Nonpayment of all and every such Sum or Sums of Money by any Executor or Administrator, Assignee or Assignees, or other Person as aforesaid, for the Space of Ten Days after the same shall have been demanded by or on the Behalf of the said Commissioners or Trustees or other Persons by whom such Treasurer, Collector, Officer, or other Person dying or becoming Bankrupt had been appointed, it shall and may be lawful to and for the said Commissioners or Trustees, or other Persons having the Control of the Pavements within such parochial or other District, by whom any such Treasurer, Collector, Officer, or other Person had been appointed, to commence one or more Action or Actions in any of His Majesty's Courts of Record at *Westminster* against such Executors or Administrators, Assignee or Assignees, or other Persons as aforesaid, for the Recovery of the same Sum or Sums of Money; and that in any such Action or Actions it shall only be necessary for the said Commissioners or Trustees or other Persons to prove the Amount of the Sum or Sums of Money due from such Treasurer, Collector, Officer, or other Person, without proving what Monies, Estates, or Effects of the Person or Persons so dying or becoming Bankrupt shall have been or might have been

been received by any of such Executors or Administrators, Assignee or Assignees; and that they shall by such Action or Actions recover the full Amount of all the Sum or Sums of Money due from such Treasurer, Collector, Officer, or other Person at the Time of his Decease, or of the issuing of the said Commission of Bankrupt, with the full Costs of such Action, to be taxed as between an Attorney and his Client, and in which Action no Essoign, Protection, or Wager of Law, nor more than one Imparlance, shall be allowed.

Commission-
ers, &c. may
pave Streets
within their
Districts,
Paving Mate-
rials being
vested in
them;

LII. And be it further enacted, That it shall and may be lawful to and for the Commissioners or Trustees, or other Persons having the Control of the Pavements of the Streets and public Places in any parochial or other District within the Jurisdiction of this Act from Time to Time to pave and keep in Repair, or cause to be paved and kept in Repair, or to enter into any Contract or Contracts for paving and keeping in Repair, all or any Part or Parts of the Carriageways or Footways of all or any of the Streets or public Places in their respective parochial or other Districts within the Jurisdiction of this Act; and also that all and every the Pavements, Stones, Posts, and other Materials which now are or which may be hereafter placed in the Foot or Carriageways of any Streets or public Places within their respective parochial or other Districts, which shall have been or may from Time to Time be paved or repaired by the said Commissioners or Trustees, or other Persons having the Control of the Pavement in each of their respective parochial or other Districts, and all Things and Implements which shall be then laid down, or may be purchased, provided, or made use of by them therein or thereabouts, shall be and the same are hereby vested in the respective Commissioners or Trustees, or other Persons having the Control of the Pavements of the Streets and public Places within each of their respective parochial or other Districts, and shall and may be laid and stated

as

as their Property, according to the general Name or Title by which they are distinguished in the respective local Act or Acts of Parliament relating to their respective parochial or other Districts, under and by virtue whereof they are or shall be from Time to Time appointed to act, and not according to their individual Name or Names, in any Indictment, Information, or other Proceeding which may be preferred or filed, or taken against any Person or Persons for removing or taking away, stealing, detaining, spoiling, injuring, or destroying the same Pavements or Materials, or Implements or Things, or any of them, or any Part or Parts thereof; and also that it shall and may be lawful for them from Time to Time to order all or any of the Stones and other Materials then being in any such Streets or public Places, as they may from Time to Time pave or repair, to be made use of in or towards the paving or repairing the Foot or Carriageway Pavements in any Streets or public Places within their respective parochial or other Districts; and also may from Time to Time purchase, or rent upon Lease or otherwise, any Premises which they may think necessary, for the Purpose of laying or depositing or otherwise disposing of all or any of their Stones or other Materials or Implements, for and until such Time as they shall use the same; and also that they may from Time to Time sell and dispose of all or any Part of the old Pavements or other Materials or Implements possessed by or belonging to them, to such Person or Persons as shall be willing to purchase the same, they applying the Monies arising from Time to Time by any and every such Sales in aid of the Monies raised and to be raised within their respective parochial or other Districts for or towards the Expence of paving and repairing the Pavements therein; and also shall and may cause to be dug, carted, and carried out of or brought into any Streets or public Places within their respective parochial or other Districts,

and to be disposed of by them;

and that necessary Materials may be purchased, and

and

Sewers, as to the Reparation of the Pavements, and as to the Removal of all Rubbish and other Obstructions, and as to the Provision of Bars, Watchmen, and other Securities, and to all Penalties by this Act imposed on the Breach of any of such Provisions respectively, and to such other Conditions and Regulations as the said Commissioners or Trustees, or other Persons consenting as aforesaid, shall stipulate and direct, and shall obey and perform the same and every of them; and that in case any Person or Persons (except Water and Gas Light Companies and the Commissioners of Sewers, and who are to conform to the particular Provisions of this Act relating to them), shall take or break up, or cause to be taken or broken up, or shall wilfully damage any Pavement in any Streets or public Places, or shall make or cause to be made any Alteration therein, without such Consent as aforesaid, certified as aforesaid, then any and every such Person or Persons in every such Case so offending shall for each and every such Offence forfeit and pay a Sum not being less than Five Pounds nor exceeding Ten Pounds; and also for each and every Square Foot of such Pavement exceeding One Foot so taken or broken up or altered, or so wilfully damaged, shall forfeit and pay any Sum not being less than Five Pounds nor exceeding Ten Pounds, to be recovered in the same Manner in which other Penalties and Forfeitures are herein-after directed to be recovered by virtue of this Act.

Commis-
sioners may
survey Pave-
ments, and
order the
Reparation,
and may pave
any Part
within their
Districts.

LIV. And be it further enacted, That the Commissioners or Trustees or other Persons having the Control of the Pavements of the Streets and public Places in any parochial or other Districts within the Jurisdiction of this Act, may from Time to Time and at all Times hereafter inspect and survey all Streets or public Places, or other Parts of their respective parochial or other Districts, as may not have been theretofore paved or repaired by virtue of or under the respective local Act or Acts of

Parlia-

Parliament for such parochial or other District, and whether the same shall have been or shall not have been theretofore paved by any other Person or Persons than such Commissioners or Trustees, or other Persons having the Control of the Pavements in any such parochial or other District, by virtue of such local Act or Acts of Parliament; and that as to any such Part or Parts as may have been already paved, in case it shall appear to the said Commissioners or Trustees or other Persons as aforesaid, that such Parts being then paved are not in sufficient Repair, it shall and may be lawful to and for the said Commissioners, or Trustees or other Persons as aforesaid, or for their Surveyor of the Pavements for the Time being, to cause a Notice or Notices under the Hand of a Surveyor of the Pavements in such parochial or other District to be given to or for the Owner or Owners, or for the Occupier or Occupiers of all or any Messuages, Houses, Lands, or other Hereditaments adjoining to such Parts of the said Streets or public Places, or other Parts within their respective parochial or other Districts theretofore paved as are not in sufficient Repair, and by such Notice or Notices to require such Owner or Owners, Occupier or Occupiers, to pave or to repave, or to repair, (as such Commissioners or Trustees or other Persons as aforesaid, or their Surveyor of the Pavement as aforesaid, shall think expedient), the Foot and Carriage Pavements abutting on the Messuages, Houses, Lands, or other Hereditaments belonging to or occupied by him or them, across the Street or public Place wherein or on one Side whereof any such Messuages, Houses, Lands, or other Hereditaments may be situated; and that such Notice or Notices may be given to or left for such Owner or Owners, or Occupier or Occupiers, or any or either of them, at his or their or any or either of their usual or last known Place or Places of Abode, or at or on or affixed against the Messuages, Houses, Lands, or other Hereditaments, or

some of them, or some Part thereof, belonging to or occupied by such Owners or Occupiers respectively, or at or on some Premises adjoining thereto; and that in case any such Owner or Occupier, within Seven Days after any such Notice shall be given or left as aforesaid, shall not well and effectually pave or repave or repair all such Foot and Carriageway Pavement pursuant thereto, to the Satisfaction of the said Commissioners or Trustees or other Persons as aforesaid, or of their said Surveyor for the Time being, then it shall and may be lawful to and for the said Commissioners or Trustees or other Persons as aforesaid, or for their Surveyor, to direct such Pavement to be paved or repaved or repaired with such Materials and in such Manner as they may direct, and by such Person or Persons as they or he may from Time to Time appoint, at the Expence of the Owner or Owners, Occupier or Occupiers, or any of them, who shall not have paved or repaved or repaired such Foot or Carriageway Pavements to the Satisfaction of the said Commissioners or Trustees, or other Persons having the Control of the Pavements as aforesaid, or of the Surveyor of Pavements as aforesaid; and that the Amount of the Charges and Expences incurred thereabouts shall be ascertained and determined by the said Surveyor of the Pavements in such parochial or other District, and shall be certified to such Owner or Owners, Occupier or Occupiers, who shall have neglected to pave or repave or repair according to such Notice as aforesaid, by a Note signed by such Surveyor of the Pavements by whom such Charges and Expences shall have been ascertained, and shall be given to or left for such Owner or Owners, Occupier or Occupiers, at the Place or Places and in the Manner in which Notices to pave or to repave or to repair are herein-before directed to be given or left; and that the full Amount of such Charges and Expences, or such Portion thereof as the said Surveyor may apportion to each of such Owners or Occu-

Occupiers in respect of the several Messuages, Houses, Lands, or other Hereditaments as aforesaid belonging to or occupied by each of them respectively, and mentioned in such Notice or Certificate of the said Surveyor, shall be paid by such Owner or Owners, Occupier or Occupiers respectively, to or for whom such Notice or Certificate was so given or left as aforesaid, within Three Days after such Notice or Certificate shall have been given or left as aforesaid, to the said Surveyor of Pavements, or to such Person or Persons as he shall appoint, and whose Receipt or Receipts shall be a good and sufficient Discharge, or good and sufficient Discharges, for the Monies in such Receipt or Receipts acknowledged to have been by him or them received; and that in case any such Owner or Owners, Occupier or Occupiers, shall not pay the same accordingly within the Time herein-before appointed, then and in every such Case he or they shall forfeit and shall pay to the said Commissioners or Trustees, or other Persons having the Control of the Pavements in any such parochial or other District, Double the Amount of the Charges and Expences so certified as aforesaid as the Amount to be paid by him or them; and that the same and every Part thereof shall and may be recovered in such and the same Manner, and by such and the same Proceedings, or any of them, as are by this Act authorized and directed for the Recovery of any Monies from any Water or Gas Light Companies, or Commissioners of Sewers, or other Persons, for the Costs and Charges of repairing any Pavements by the Commissioners or Trustees, or other Persons having the Control of the Pavements in any Streets or public Places in any parochial or other Districts within the Jurisdiction of this Act; but that in case the said Commissioners or Trustees, or other Persons having the Control of the Pavements in any parochial or other District as aforesaid, shall determine that it will be more expedient that any Streets or public Places,

Places, or other Parts within their respective parochial or other District, being paved and not in sufficient Repair, or that any other Streets or public Places, or other Parts within their respective parochial or other Districts, being thentofore paved, should be repaired, or should be paved and thereafter repaired and kept in Repair, by them the said Commissioners or Trustees or other Persons having the Control of the Pavements as aforesaid, then and in any and every such Case it shall and may be lawful for the said Commissioners or Trustees or other Persons as aforesaid to repair or to pave the same or any Part thereof (as they may think expedient), and thereupon that all and every such Streets or public Places, or Parts of their respective parochial or other Districts so paved or repaired, shall thenceforth be and be deemed to be within the particular Jurisdiction of such Commissioners, Trustees, or other Persons; and that the Owners or the Occupiers of all Messuages and Hereditaments therein may be rated and assessed to the Rates and Assessments to be made by virtue of this Act, or of any local Act or Acts of Parliament, for and towards the Charges of paving and repairing the Pavements in any such parochial or other District, either exclusively or jointly with, or for or towards any other Objects or Purposes; and that all Provisions in this Act and in any local Act or Acts of Parliament contained, relating to any Parts of any such parochial or other District as are already paved, shall apply and extend to all such other Parts of the said parochial or other District as may be so paved or repaired under and by virtue of this Act, or of the Provisions herein-before contained; and also, that in case there shall be in any Parish within the Jurisdiction of this Act any Streets or public Places which shall not have been included in the Jurisdiction of the Commissioners or Trustees, or other Persons having a Control of the Pavements therein, by virtue of or under any local Act or Acts

of

and may include other Streets and Places in the - Parishes such

of Parliament, and which are not included in the Jurisdiction of any other Paving Commissioners or Trustees or other Persons, by Prescription or by any local Act or Acts of Parliament, and it shall appear to any such Commissioners or Trustees or other Persons to be expedient that such Streets or public Places should be included within their Jurisdiction, then it shall and may be lawful for any such Commissioners, Trustees, or other Persons so to order and determine; and that thereafter all and every such Streets and public Places shall be from thenceforth included within the Jurisdiction of such Commissioners or Trustees or other Persons; and that all Powers and Authorities of such Commissioners or Trustees or other Persons as aforesaid, and of their Surveyors, Officers, and Servants, and also the Powers and Provisions of the local Act or Acts of Parliament for such parochial or other District, and of this Act, shall apply and extend thereto, in such and the same Manner as if such Streets or public Places, or any of them, had by virtue of the said local Act or Acts of Parliament or otherwise thentofore formed Part of the parochial District within the Jurisdiction of the said Commissioners or Trustees or other Persons, and by such local Act or Acts of Parliament or otherwise had been originally and thentofore included therein, any thing in any such local Act or Acts of Parliament or in this Act or otherwise to the contrary in anywise notwithstanding; but provided that there shall be more than One District, and under the Jurisdiction of separate Paving Commissioners or Trustees or other Persons, in any one Parish, then the Powers herein-before given to the Commissioners, Trustees, or other Persons having the Control of the Pavements as aforesaid, shall and may be used and exercised only by the Commissioners or Trustees, or other Persons having the Control of the Pavements in that particular District, within any such Parish, whose District shall be con-

tiguous or nearest to any such Streets or public Places ; or in case they shall refuse to include the same, and to order and determine as aforesaid, then by the Commissioners or Trustees or other Persons having the Control of the Pavements in that particular District within any such Parish as doth contain the greatest Number of the Messuages and Hereditaments then being within any such Parish as aforesaid, and may and shall not be used or exercised or claimed by any other Commissioners or Trustees, or other Persons whomsoever.

Commis-
sioners of
Sewers to
make and re-
pair Grates.

LV. And be it further enacted, That when and so often as at any Time or Times hereafter there shall be Occasion to make any new or additional Grate, or to repair or alter any Grate now placed or hereafter to be placed over any public Sewer in any Street or public Place in any parochial or other District within the Jurisdiction of this Act, the same shall be made, repaired, or altered by and at the Expence of the Commissioners of Sewers acting for such parochial or other District, or such Part thereof wherein any such Street or public Place may be situate, and shall be laid down in such Places and in such Manner and Form as shall be directed by the Commissioners or Trustees or other Persons having the Control of the Pavements in the Streets or public Places in such parochial or other District, or by their Surveyor of the Pavements for the Time being ; and the said Commissioners of Sewers shall also from Time to Time and at all Times repair, cleanse, and empty any and every public Sewer within their Jurisdiction, whenever they shall be required so to do by the Commissioners or Trustees or other Persons having the Control of the Pavements in any parochial or other District wherein any such public Sewer may be situated, at the like Expence of the said Commissioners of Sewers ; and in case the said Commissioners of Sewers shall refuse or neglect to execute any of such Works for the Space of Two Days next after any such Notice in Writing

Writing given or left as is herein-before directed as to any other Works to be executed by them, then and in any and every such Case it shall be lawful for the said Commissioners or Trustees, or other Persons having the Control of the Pavements as aforesaid, or any Three or more of them, to cause such Grate or Grates to be made, repaired, altered, and laid down, and all or any such public Sewers to be repaired, cleansed, and emptied, by such Person or Persons and in such Manner as they may direct, employ, and appoint, and to their Satisfaction; and the Costs and Charges thereof shall be certified to the said Commissioners of Sewers, and shall be reimbursed or paid by them in the Manner and within the Time herein-before directed as to the Charges of relaying Pavements, and shall and may be obtained and recovered of them in like Manner, and by such and the same Proceedings or any of them, as are herein-before directed or authorized as to the Recovery of any Charges and Expences of relaying Pavements in any Streets or public Places in any parochial or other District within the Jurisdiction of this Act.

LVI. And be it further enacted, That the Commissioners or Trustees, or other Persons having the Control of the Pavements in the Streets or public Places in any parochial or other District within the Jurisdiction of this Act, at any Time or Times hereafter may make or cause to be made any new public Sewers or Drains to communicate with the said Streets or public Places within their respective parochial or other Districts, or any of them, and with any other public Sewer under the Jurisdiction of any Commissioners of Sewers, and also any new Grate or Grates over such new Sewer or Sewers, Drain or Drains, but conformably to the Regulations of the said Commissioners of Sewers for the Time being; and the Expences attending the making any such new Sewers or Drains, or Grates over such new Sewers or Drains, shall be borne and paid by

New Sewers
and Grates
may be also
made and
repaired.

the said Commissioners or Trustees or other Persons, out of the Monies raised and to be raised for and towards the Charges of paving or repairing the Pavements within their respective parochial or other District, or out of such Monies as they the said Commissioners or Trustees, or other Persons as aforesaid, may contribute thereto ; and that it shall and may be lawful to and for such Commissioners or Trustees, or other Persons as aforesaid, to contribute, out of any Monies which they shall receive and possess by virtue of any Rates or Assessments, such Sum or Sums as they may think proper towards the Expences of or incidental to the making of any such new Sewers or Drains, or new Grates over such new Sewers or Drains, by the said Commissioners of Sewers, or by any other Persons ; and that the same Sewers or Drains or Grates, when made and completed, shall be under the Care, Management, and Direction of the Commissioners of Sewers, in like Manner as other public and common Drains or Sewers ; and the said Commissioners of Sewers shall thereafter cause such Sewers or Drains from Time to Time to be repaired, cleansed, and emptied, and such Grate or Grates to be from Time to Time repaired, replaced, or altered, in the Manner directed by any local Act or Acts of Parliament relating to such parochial or other District, or by this Act, as to any former or other Sewers or Drains or Grates ; and the same Sewers or Drains or Grates shall be subject to all the Provisions relating to any Sewers or Drains or Grates contained in any local Act or Acts of Parliament for any such parochial or other District, or in this Act.

Private
Drains also to
be cleansed.

LVII. And be it further enacted, That whenever from Time to Time or at any Time hereafter it shall appear to the Commissioners or Trustees, or other Persons having the Control of the Pavements of the Streets and public Places in any parochial or other District within the Jurisdiction of this Act, or to any Two or more of them, or to their Surveyor
or

or Surveyors for the Time being, or any of them, that any private Drain, Sewer, Cesspool, Gutter, or Watercourse running beneath or above or communicating with any other Drain or Sewer beneath any of the Pavements of any of the Streets or public Places in any such parochial or other District, doth require to be repaired, amended, altered, emptied, or cleansed, it shall and may be lawful to and for the said Commissioners or Trustees, or other Persons having the Control of such Pavements as aforesaid, or any Two or more of them, or their Surveyor or Surveyors as aforesaid for the Time being, or any of them, to give or cause to be given a Notice or Notices under their Hands, or under the Hand or Hands of such Surveyor or Surveyors of Pavements for the Time being, to or for the Owner or Owners, or for the Occupier or Occupiers of all or any Messuages, Houses, Lands, or other Hereditaments to whom such Drain, Sewer, Cesspool, Gutter, or Watercourse shall belong, or by whom the same shall be used or enjoyed, or from whose Messuages, Houses, Lands, or Hereditaments any such Drain, Sewer, Gutter, or Watercourse shall proceed or flow, or wherewith the same or any such Cesspool shall communicate, well and sufficiently to repair, amend, alter, empty, or cleanse the same and every Part thereof; and in case any such Owner or Owners, Occupier or Occupiers, within Three Days after any such Notice shall be given or left as aforesaid, shall not well and effectually repair, amend, alter, empty, or cleanse any such Drain or Sewer and every Part thereof, pursuant to such Notice, and to the Satisfaction of the said Commissioners or Trustees or other Persons as aforesaid, or of their Surveyor or Surveyors for the Time being, then it shall and may be lawful to and for the said Commissioners or Trustees or other Persons as aforesaid, or for their Surveyor or Surveyors for the Time being, to direct such Drain, Sewer, Cesspool, Gutter, or Watercourse to be repaired, amended, altered, emptied, or cleansed,
with

with such Materials and in such Manner as they or he may direct, and by such Person or Persons as they or he may from Time to Time appoint ; and that the Amount of the Charges and Expences incurred thereabouts, and also of taking up, relaying, or repairing any Pavements in any Streets or public Places which may for those Purposes or any of them be taken up, shall be ascertained and determined by such Surveyor or Surveyors of Pavements as aforesaid, and shall be certified by him or them to such Owner or Owners, Occupier or Occupiers, and shall be paid by him or them within the same Time, and may be recovered with the same Penalties in case of Non-payment, in such and the same Manner and by such and the same Proceedings, as are by this Act authorized and directed for the ascertaining and determining, certifying and recovering any Monies to become due and to be recovered from any Persons whomsoever, for the Costs and Charges of repairing or paving or repaving any Pavements of any Streets or public Places by the Commissioners or Trustees or other Persons having the Control of the Pavements in any Streets or public Places in any parochial or other District within the Jurisdiction of this Act.

Posts may be erected for the Preservation of the Pavements and Prevention of Accidents.

LVIII. And be it further enacted, That the said Commissioners or Trustees or other Persons having the Control of the Pavements of the Streets and public Places in any parochial or other District within the Jurisdiction of this Act, may cause Posts of Wood, Stone, or Iron to be set up near or adjoining the Foot Pavements, in such Part or Parts of all or any of the Streets or public Places within their respective parochial or other Districts, as they shall judge necessary ; and also shall and may set up Posts and Rails near or adjoining to any vacant Ground, or other exposed or dangerous Place, abutting upon or adjoining to any of the Streets or public Places in such parochial or other District, in case they shall think proper so to do, for preventing

ing Accidents or Casualties ; and if any Person or Persons shall wilfully or carelessly knock down, break, damage, or injure such Posts or Rails, or any of them, every Person so offending shall for every such Offence forfeit and pay any Sum not being less than Forty Shillings not exceeding Ten Pounds ; and shall also make a full Satisfaction (to be ascertained by the Justice before whom such Offender or Offenders shall be convicted) to such Commissioners, Trustees, or other Person or Persons having the Control of the Pavements in the parochial or other District within which the Offence shall be committed, for the Damage so done ; and that such Penalty and Satisfaction shall be recovered in the same Manner in which Penalties and Forfeitures are herein-after directed to be recovered by virtue of this Act.

LIX. And be it further enacted, That it shall be lawful for the Commissioners, Trustees, or any other Persons having the Control of the Pavements in the Streets or public Places in any parochial or other District within the Jurisdiction of this Act, and who by any local Act or Acts of Parliament relating thereto are also authorized and empowered to direct the cleansing of the Streets or public Places within such parochial or other District, at any Time or Times hereafter to agree by private Contract or by public Auction, or by Tender or Proposal if they shall think fit, for any Time not exceeding Three Years, with any Person or Persons to be the Scavenger or Scavengers, Raker or Rakers, Cleanser or Cleansers of the Streets and public Places within the said parochial or other District ; and such Person or Persons, on a certain Day in every Week, and oftener when thereunto required by any Three or more of the said Commissioners or Trustees or other Persons as aforesaid, or by the Surveyor of the Pavements of such parochial or other District, or any Inspector or other Officer or Person appointed by them or any of them, shall bring or cause to be brought

Commissioners, &c. may appoint Scavengers.

brought convenient Carriages into all such Streets or public Places where such Carriages can be drawn near or pass unto, and at or before their Approach, by Bell, Horn, Clapper, or otherwise by a loud Noise or Cry, shall give Notice to the Inhabitants, and shall give the like Notice in every other Place into which the said Carriages cannot pass and abide, and such Scavengers, Rakers, or Cleansers shall take and carry away, or cause to be taken and carried away from the respective Houses and Premises of the Inhabitants or Occupiers, their Soil, Ashes, Cinders, Rubbish, Dust, Dirt, and Filth, and all which the said Scavengers, Rakers, or Cleansers shall carry away or cause to be carried away at their own Costs and Charges, upon Pain of forfeiting a Sum of Forty Shillings for every Neglect or Default, (except nevertheless all such Rubbish, Earth, Dust, and Filth as shall be occasioned by building, repairing, amending, or altering any House or Houses or any other Building or Buildings, or by cleansing or repairing any Drain or Sewer); and also that the said Rubbish, Earth, Dust, or Soil thereby occasioned, and every Part thereof, within the Space of Twelve Hours after the same or any Part thereof shall be first left or placed in any Street or public Place, shall be carried away by or at the Charge of the Owner or Owners, Occupier or Occupiers of such Houses and Buildings, or by the Commissioners of such Sewers respectively as aforesaid; and that such Owners or Occupiers or Commissioners neglecting to remove the same and every Part thereof, or to cause the same to be removed, within the Time above limited, shall forfeit and pay the Sum of Five Pounds for every Neglect to remove the same within the Time above limited; and also, that if any Person or Persons shall refuse to permit such other Soil, Ashes, Cinders, Rubbish, Dust, Dirt, or Filth to be taken away by the Scavengers, Rakers, or Cleansers, or other Persons appointed by and agreeing with the said Commissioners

tioners or Trustees or other Persons as aforesaid, then every such Person or Persons so offending shall in like Manner forfeit and shall pay the like Sum of Five Pounds: Provided always, that it shall and may be lawful to and for the said Commissioners, Trustees, or other Persons having the Control as aforesaid, either to contract and agree with and to appoint the same Person or Persons or a different Person and other Persons to be the Scavengers, Rakers, or Cleansers within their parochial or other District of the Streets or public Places therein, and to be the Persons to collect and carry away and possess and retain the Soil, Ashes, Cinders, Rubbish, Dust, Dirt, and Filth from the Houses and Premises within their respective parochial or other Districts, as they shall deem most expedient; but that the Right and Benefit of such Soil, Ashes, Cinders, Rubbish, Dust, Dirt, and Filth, shall belong exclusively to the Person or Persons who shall be from Time to Time by the said Commissioners or Trustees or other Persons as aforesaid appointed to collect and possess the same; any thing in any local Act or Acts of Parliament or in this Act to the contrary notwithstanding.

LX. And be it further enacted, That if any Person or Persons, other than the Scavengers, Rakers, or Cleansers of any parochial or other District, or the other Person or Persons employed or appointed by or contracting with the said Commissioners or Trustees, or other Persons as aforesaid, to collect and retain the Dust, Cinders, or Ashes within their respective parochial or other District, or those employed by and under such Person or Persons, shall on any Pretence whatsoever go about to collect or gather, or shall ask for, receive, or carry away any Dust, Cinders, or Ashes, it shall and may be lawful for any Justice of the Peace for the City, Borough, or County within which such parochial or other District may be situate, upon Complaint to him made, to grant a Warrant to bring before him such

Dust to be removed only by Scavengers so appointed.

such Offender or Offenders, and also for any Person or Persons who shall see any such Offence committed to seize, and also for any other Person or Persons to assist in seizing, the Offender or Offenders, together with the Horses, Asses, Cattle, Carts, Trucks, Wheelbarrows, or other Carriages or Implements made use of for carrying the same away; and by the Authority of this Act, and without any other Warrant, to convey him, her, or them before such Justice of the Peace, or any Justice of the Peace for the said City, Borough, or County; and such Justice shall and he is hereby authorized and required to examine upon Oath the Person or Persons apprehending such Offender or Offenders, or any Witness or Witnesses who shall appear to give Information or Evidence touching such Offence; and if the Party or Parties shall be convicted of going about to collect or gather, or of asking for, receiving, or carrying away any Dust, Cinders, or Ashes from any House or other Premises within any parochial or other District within the Jurisdiction of this Act, not being the Person or Persons employed or appointed by or contracting with the said Commissioners or Trustees, or other Persons having the Control of the Pavements within such parochial or other District, to collect and possess the Dust, Cinders, and Ashes from the Houses and Premises therein, or not acting with or under his or their Authority, he, she, or they shall respectively for the First Offence forfeit and pay the Sum of Ten Pounds; for the Second Offence, the Sum of Fifteen Pounds; and for the Third and every other subsequent Offence, the Sum of Twenty Pounds; and One Moiety of which respective Penalties shall be paid to the Informer or Informers, or to the Person or Persons who shall apprehend the Offender or Offenders, and the other Moiety shall be paid and shall belong to the Person or Persons so employed or appointed by or contracting with the said Commissioners or Trustees or other Persons

Persons as aforesaid; and if such Offender or Offenders shall not on Conviction pay the said Penalty or Penalties, such Justice is hereby required to direct such Horses, Asses, Cattle, Carts, Trucks, Wheelbarrows, or other Carriages or Implements which shall have been so seized, to be appraised and sold; and after deducting out of the Monies to arise by such Sale the Penalty or Penalties incurred, together with the reasonable Charges and Expences of such Warrant, and of such Distress, Appraisement, and Sale, the Overplus thereof shall be returned upon Demand to the Party or Parties whose Horses and other Things shall be appraised and sold; and in case there shall have been no such Seizure as aforesaid, or if the Horses, Asses, Cattle, Carts, or other Things which shall be appraised and sold, shall not produce a sufficient Sum of Money to pay the said Penalty or Penalties, Charges and Expences, then if such Offender or Offenders shall not upon the Conviction pay the said Penalty or Penalties, or such Part or Parts of the said Penalty or Penalties, Charges and Expences, which shall remain over and above the Produce of the Horses, Asses, Cattle, Carts, and other Things so seized and sold, then such Justice is hereby required to commit such Offender or Offenders to the Common Gaol or House of Correction for the City, Borough, or County where such parochial or other District shall be situate, there to be kept to hard Labour for any Time not exceeding Thirty Days, unless such Penalty or Penalties, and Charges and Expences, and every Part thereof, shall be sooner paid and satisfied.

LXI. And be it further enacted, That in case such Person or Persons so employed or appointed by or contracting with the said Commissioners or Trustees or other Persons for the Purposes aforesaid, shall neglect for the Space of Seven Days to bring or cause to be brought Carts or proper Carriages into all the Streets or public Places as aforesaid

On the Neglect of Scavengers to remove Dust for Seven Days, the Dust may be removed by any other Person.

where such Carriages can pass, and to give Notice in Manner aforesaid to the Inhabitants of their coming, for the Purpose of taking away such Dust, Dirt, Soil, Rubbish, Filth, Cinders, and Ashes, and to give the like Notice in every Place into which the said Carts and Carriages cannot pass, or to take away and remove all such Dust, Dirt, Soil, Rubbish, Filth, or Cinders or Ashes from the Houses and Premises of all and every the Inhabitants of such Streets or public Places, or from such Part or Parts of such Houses or Premises where such Dust, Dirt, Soil, Rubbish, Filth, Cinders, and Ashes shall be deposited, that then (after Twenty-four Hours Notice given to such Person or Persons so employed or appointed by or contracting with the said Commissioners or Trustees or other Persons for the Purposes aforesaid, or left for him or them at his or their usual House or Houses, Yard or other Premises, requiring him or them to bring or cause to be brought Carts or Carriages to take away their Dust, Dirt, Filth, Cinders, or Ashes, and to take away and remove the same from their respective Houses and Premises) it shall and may be lawful for such of the Inhabitants of such of the said Streets or public Places, who shall have given such Notice as aforesaid, to give away or to sell their Dust, Dirt, Filth, Cinders, or Ashes to any Person or Persons whomsoever; and that such Person or Persons who shall take and carry away the said Dust, Dirt, Filth, Cinders, or Ashes, shall not be subject or liable to any Penalty or Penalties for so doing upon every such Neglect; any thing in this Act or in any local Act or Acts of Parliament contained to the contrary thereof notwithstanding.

Dirt not to
be swept into
any Common
Sewer.

LXII. And be it further enacted, That no Scavenger, Raker, or Cleanser, or any other Person, shall sweep, rake, or place any of the Slop, Mud, Dirt, Dust, Rubbish, Ashes, Filth, or Soil, found or being in any Streets or public Places in any parochial or other District within the Jurisdiction of

this

this Act, or any other Slop, Mud, Dirt, Dust, Rubbish, Alhes, Filth, Soil, or other Articles or Things, over any Grate or Grates placed above or communicating with any common or public Drain or Sewer, or into any common or public Drain or Sewer; and that any and every Scavenger, Raker, or Cleanfer, or any other Person or Persons, who shall so offend, shall for every such Offence forfeit and shall pay the Sum of Five Pounds, to be recovered in the same Manner in which other Penalties and Forfeitures are herein-after directed to be recovered by virtue of this Act.

LXIII. And be it further enacted, That every Occupier of any House, Tenement, Warehouse, Shop, Shed, Coach House, Stable, Chapel, Meeting House, or other public or private Building in any Street or public Place in any parochial or other District within the Jurisdiction of this Act, during the Continuance of Frost, or after or during the Fall of Snow, from Time to Time, and at all Times hereafter, shall Once in every Day before the Hour of Ten of the Clock in the Forenoon of each Day, except *Sunday*, sweep and cleanse, or cause to be swept and cleansed, the Footway all along the front Side or back Walls of their respective Houses, Tenements, Warehouses, Shops, Sheds, Coach Houses, Stables, Chapels, Meeting Houses, or other public or private Building; and that every Occupier who shall neglect so to do shall for every such Offence forfeit and pay any Sum not exceeding the Sum of Ten Shillings, to be levied and recovered and applied in such and the same Manner in which other Penalties are by this Act herein-after directed to be recovered and applied; and also that the Owner or Owners of any House or other Tenement within the Jurisdiction of this Act, which may be let furnished or in divided Apartments, shall be deemed and taken, for the Purpose of this Provision, to be the Occupier or Occupiers of every such House or other Tenement respectively.

**Footways
to be swept
daily during
Frost and
Snow.**

H

LXIV. And

Nuisances
and Annoy-
ances from
beating Car-
pets, breaking
Horses, driv-
ing Barrows
and Carriages
on Pave-
ments, and
throwing
Filth, pro-
hibited.

LXIV. And be it further enacted, That if any Person or Persons shall, in any Street or public Place in any parochial or other District within the Jurisdiction of this Act, at any Time or Times hereafter, beat or dust any Carpet or Carpets; or shall drive any Carriage or Carriages, for the Purpose of breaking, exercising, or trying Horses; or shall ride any Horse, Mare, or Gelding, for the Purpose of exercising, airing, trying, shewing, or exposing such Horse, Mare, or Gelding for Sale, (otherwise than by passing through such Streets or other public Places); or shall throw, cast, or lay, or shall cause, permit, or suffer to be thrown, cast, or laid, or to remain, any Ashes, Dust, Dirt, Rubbish, Offal, Dung, Soil, Blood, or other Filth or Annoyance, or any Matter or Thing, in or upon the Carriageway or Footway Pavement of any such Street or other public Place in any parochial or other District within the Jurisdiction of this Act; or shall kill, slaughter, scald, dress, or cut up any Beast, Swine, Calf, Sheep, Lamb, or other Cattle, in or so near to any of the said Streets or other public Places as that any Blood or Filth shall run or flow upon or over, or be on any or either of such Pavements; or shall run, roll, drive, draw, or place, or cause, permit, or suffer to be run, rolled, driven, drawn, or placed, upon any of the said Footway Pavements of any Street or public Place in any parochial or other District within the Jurisdiction of this Act, any Waggon, Cart, Dray, Sledge, or other Carriage, or any Wheel, Wheelbarrow, Handbarrow, or Truck, or any Hogthead, Cask, or Barrel, or shall wilfully ride, lead, or drive any Horse, Ass, Mule, or other Beast, upon any of the Footway Pavements aforesaid; then and in every such Case it shall and may be lawful to and for any Justice of the Peace for the City, Borough, or County wherein any such parochial or other District may be situate, and he is hereby required, upon Complaint to him made upon Oath or Affirmation of One or more credible

credible Witness or Witnesses, to issue a Summons requiring such Offender or Offenders to appear before him at such Time and Place as shall be in such Summons specified; or it shall and may be lawful to and for any Person or Persons whomsoever, who shall see any such Offence committed, if he or they shall think proper, to seize, and also for any other Person or Persons to assist in seizing, such Offender or Offenders by the Authority of this Act, and by such Authority, and without any other Authority or Warrant whatsoever, to convey such Offender or Offenders before some Justice of the Peace for the City, Borough, or County wherein any such parochial or other District may be situate; and upon the Party or Parties appearing in pursuance of such Summons, or not appearing after having been so summoned, or being brought before such Justice when so seized or otherwise, he the said Justice shall proceed to examine upon Oath or Affirmation any Witness or Witnesses who shall appear or be produced to give Evidence touching such Offence; and if the Party or Parties accused shall be convicted of any or either of the Offences aforesaid upon his or their own Confession, or upon the Oath or Affirmation of one or more credible Witness or Witnesses as aforesaid, then and in every such Case the Person or Persons so convicted shall forfeit and pay a Sum not less than Forty Shillings nor exceeding Five Pounds for each and every Offence; and that one Moiety of every such Penalty shall be paid to the Informer or Informers, or to the Person or Persons who shall apprehend such Offender or Offenders; and the other Moiety thereof shall be paid to the Treasurer or Treasurers of the Commissioners, Trustees, or other Persons having the Control of the Pavements in the Streets or public Places in the parochial or other District wherein any such Offence or Offences shall have been committed.

Annoyances from Stalls, Baskets, and Wares and other Matters prohibited, and punishable on Renewal after Notice; and all such Articles may be seized and sold.

LXV. And be it further enacted, That if any Person or Persons at any Time or Times hereafter shall set or place, or cause or permit to be set or placed by any Servant or Person employed by him, her, or them, or otherwise, any Stall Board, Chopping Block, Shew Board, on Hinges or otherwise, Basket, Wares, Merchandize, Casks, or Goods of any Kind whatsoever; or shall hoop, place, wash, or cleanse, or cause to be hooped, washed, or cleansed, any Pipe, Barrel, Cask, or Vessel, in or upon or over any Part of the Carriage or Footways in any Streets or public Places in any parochial or other District within the Jurisdiction of this Act; or shall set out, lay, or place, or cause or procure, permit or suffer to be set out, laid, or placed, any Coach, Cart, Wain, Waggon, Dray, Wheelbarrow, Handbarrow, Sledge, Truck, or other Carriage upon any of the said Carriage Ways, (except such Coaches, Chariots, and Chairs as have been or shall be hereafter licensed by the Commissioners for regulating and licensing Hackney Coaches, Chariots, and Chairs, and which stand for Hire according to the Statutes and Bye-Laws made for those Purposes), and also except for the necessary Time of loading or unloading any Cart, Wain, Waggon, Dray, Sledge, Truck, or other Carriage, or taking up or setting down any Fare, or waiting for Passengers when actually hired, or harnessing or unharnessing the Horses from any Coach, Cart, Wain, Waggon, Dray, Sledge, Truck, or other Carriage; or if any Person or Persons shall set or place, or cause to be set or placed, in or upon or over any of the said Carriage or Footways, any Timber, Stones, Bricks, Lime, or other Materials or Things for building whatsoever (unless the same shall be inclosed as in and by any local Act or Acts of Parliament, or by this Act, or some of them, may be directed), or any other Matters or Things whatsoever; or shall hang out or expose, or cause or permit to be hung

out or exposed, any Meat or Offal, or other Matter or Thing whatsoever, from any House or Houses or other Buildings or Premises belonging to or occupied by him, her, or them, over any Part of either of such Pavements, or over any Area or Areas of any Houses or other Buildings or Premises, or shall place or put out, or cause or permit to be placed or put out, any Garden or other Pots (except the same shall be perfectly secured from falling, to the Satisfaction of the Commissioners or Trustees or other Persons having the Control of the Pavements in any such parochial or other District, or of their Surveyor of the Pavements for the Time being), or any other Matter or Thing, from and on the Outside of the Front or any other Part of any House or Houses, or other Buildings or Premises, over or next unto any such Street or public Place; and shall not immediately remove all or any such Matters or Things, being thereunto required by any Surveyor or Surveyors of Pavements, or by any other Person or Persons employed or appointed by the Commissioners, Trustees, or other Persons having the Control of the Pavements in any parochial or other District; and whether the same shall have been so set or placed, exposed or put out by himself, herself, or themselves personally, or by any of his, her, or their Servants, or by any Person or Persons employed by him, her, or them, and shall not continue and keep the same so removed; or if any Person or Persons, having, in pursuance of any such Requisition or Requisitions as aforesaid, removed or caused to be removed any such Stall Board, Shew Board, Chopping Block, Basket, Wares, Merchandize, Casks, Goods, Coach, Cart, Wain, Waggon, Dray, Wheelbarrow, Handbarrow, Sledge, Truck, Carriage, Timber, Stones, Bricks, Lime, Meat, Offal, Garden Pots, or other Matters or Things, shall at any Time thereafter again set, lay, or place, expose, or put out, or cause, procure, permit, or suffer to be again set, laid, or placed,

exposed or put out, the same or any of them, or any other Stall Board, Shew Board, Chopping Block, Basket, Wares, Merchandize, Goods, Coach, Cart, Wain, Waggon, Dray, Wheelbarrow, Handbarrow, Sledge, Truck, Timber, Stones, Bricks, Lime, Meat, Offal, Garden Pots, or other Matters or Things whatsoever (save and except as aforesaid), in or upon or over any of the Carriage or Footways of or next unto any Streets or public Places within the same parochial or other District as aforesaid; then and in every such Case it shall and may be lawful to and for any Justice of the Peace for the City, Borough, or County wherein the said parochial or other District may be situate, and he is hereby required, upon Complaint to him made by any One or more credible Witnesses or Witnesses upon Oath, to issue a Summons requiring the Person or Persons accused of such Offence, or the Owner or Owners of the Goods, Materials, Meat, Offal, Garden Pots, Matters or Things, or of the Coaches, Carts, Waggons, Drays, Wheelbarrows, Handbarrows, Sledges, Trucks, or other Carriages which shall be so set or placed, exposed or set out, or the Master or Masters of the Person or Persons, by whose Servants, or by the Person or Persons employed by whom, such Offence shall have been committed, to appear before him, or before any other Justice of the Peace for the same City, Borough, or County, as shall be then or there present, at such Time and Place as shall be in such Summons specified, and then and there to proceed to examine upon Oath or Affirmation any Witness or Witnesses who shall appear or be produced to give Evidence touching such Offence; and if the Person or Persons so offending shall be convicted of any or either of the Offences aforesaid, upon his, her, or their own Confession, or upon the Oath or Affirmation of One or more credible Witnesses or Witnesses as aforesaid, he, she, or they who shall be so convicted, and the Owner or Owners of such Goods, Materials,

rials, Meat, Offal, Garden Pots, Matters or Things, or of the Coaches, Carts, Waggon, Drays, Wheelbarrows, Handbarrows, Sledges, Trucks, or other Carriages which shall be so set or placed, exposed or set out as aforesaid, and the Master or Masters, Employer or Employers of the Person or Persons so offending, shall forfeit and pay for the First Offence the Sum of Forty Shillings, and for the Second and every subsequent Offence any Sum not exceeding Five Pounds; and that such respective Penalties shall be paid to the Treasurer or Treasurers of the Commissioners, Trustees, or other Persons having the Control of the Pavements in the Streets or public Places in the parochial or other District wherein any such Offence shall have been committed, or to such other Person or Persons as they shall direct and appoint; and also, that not only shall such Penalties become payable and to be recovered, but that it shall and may be lawful to and for any Person or Persons appointed or to be appointed by the said Commissioners or Trustees or other Persons as aforesaid for that Purpose, without any Warrant or other Authority than this Act, to seize any such Stall Board, Shew Board, Chopping Block, Basket, Wares, Merchandize, Casks, Goods, Coach, Cart, Wain, Waggon, Dray, Wheelbarrow, Handbarrow, Sledge, Truck, or other Carriage, together with the Horse or Horses, Asses or Mules, if any shall be thereunto belonging, with the Harness, Gear, and Accoutrements thereof, or any such Timber or other Materials, or other Matters or Things aforesaid, or any of them; and in case any of the Wares, Goods, and Merchandizes so seized shall be perishable, or shall be Articles of Food, then the same shall be immediately forfeited, and such Person or Persons who shall seize the same shall deliver the same or cause the same to be delivered to the Churchwardens or Overseers of the Poor, or some of them, or to the Master of any Workhouse situate in the said parochial

chial or other District, or of the Parish whereunto such District shall belong; and the same shall and may be given and distributed by him or them unto one or among any one or more of the poor Inhabitants of the said parochial or other District, or of such Workhouse, to and for his or their Benefit; but otherwise such Person or Persons shall cause the Stall Board, Basket, Cask, Goods, Coach, Cart, Wain, Waggon, Dray, Wheelbarrow, Handbarrow, Sledge, Truck, or other Carriage, Horse or Horses, Asses or Mules, or any Materials and Things so seized, to be removed to any Place appointed for the Reception thereof in any such parochial or other District, if any such there be, and otherwise to such Place or Places as he or they shall judge convenient, giving parole or written Notice of such Place or Places whereunto the same shall be removed, unto the Owner, Driver, or other Person having any Interest in the Goods, Coach, Cart, Wain, Waggon, Dray, Wheelbarrow, Handbarrow, Sledge, Truck, or other Carriage, Horses, Asses, Mules, Materials, or other Things so seized or removed, if he, she, or they shall be then and there present; and the same shall be there kept and detained until such Owner, Driver, or other Person interested therein as aforesaid shall cause to be paid the said Penalty, together with the Charges for taking or removing the same, and of keeping such Horse or Horses, Asses or Mules, if any; and in case the Goods, Carriage, Horses, Materials, or other Things so removed (not being perishable or Articles of Food) shall not be claimed, and the said Penalty and Charges be paid, within Five Days next after such Removal thereof, then and in every such Case it shall and may be lawful to and for the said Commissioners or Trustees, or other Persons as aforesaid, or their Surveyor of the Pavements, or any other Person to be appointed by the said Commissioners or Trustees or other Persons as aforesaid, to order the same to be appraised and sold; and the

the Overplus of the Money arising by such Sale shall be returned to the Owner or Owners thereof, if he or they shall have given such Notice as aforesaid, after deducting the said Penalty, and such Costs, Charges, and Expences attending such seizing, removing, keeping, appraising, and selling the same, as the said Commissioners or Trustees or other Persons as aforesaid, or any Surveyor of the Pavements in any parochial or other District, shall ascertain and allow.

LXVI. And be it further enacted, That in all Cases where by this Act or by any local Act or Acts of Parliament relating to any parochial or other District within the Jurisdiction of this Act, it may be directed, required, and provided that any Person or Persons setting or placing any Stall Board, Chopping Block, Basket, Wares, Merchandize, Pipe, Barrel, Cask, or Vessel, Goods, Timber, Stones, Bricks, Lime, or any other Materials, Matters, or Things, or causing or procuring the same or any of them to be set or placed upon any of the Carriage or Foot Pavements or otherwise, contrary to the Regulations herein or in any such local Act or Acts contained, in any of the Streets or public Places within the Jurisdiction of this Act, or that any Person or Persons driving or placing any Coach, Cart, Waggon, Dray, Wheelbarrow, Handbarrow, Sledge, Truck, or other Carriage in or upon or over any of the Foot Pavements in any Streets or Places within the Jurisdiction of this Act, or causing or procuring the same to be so driven or placed, shall have Notice and be required to remove the same previous to such Person or Persons being subject or liable to the Penalty or Penalties imposed by virtue of such local Act or Acts or of this Act, and to the Seizure, Forfeiture, Appropriation, Appraisement, or Sale of any such Goods, Materials, Matters and other Things, Coaches, Carts, Waggon, Drays, Wheelbarrows, Handbarrows, Sledges, Trucks, or other Carriages, in Manner directed by such local Act or Acts

For the Removal of Nuisances and Annoyances, a Re-petition of Notices unnecessary.

Acts or by this Act, then if any Person or Persons shall set or place any Goods, Materials, Matters, or other Things, or shall set, place, or drive any Coaches, Carts, Waggon, Drays, Wheelbarrows, Handbarrows, Sledges, Trucks, or other Carriages upon or over the said Pavements, or any of them, or any Part thereof, at any Time or Times subsequent to his, her, or their having received such Notice, or having been required to remove the same, or any other Goods, Materials, Matters, or Things, or any other Coaches, Carts, Waggon, Drays, Wheelbarrows, Handbarrows, Sledges, Trucks, or other Carriages from off the said Pavements or any of them, or shall cause or permit the same or any of them to be set or placed or driven by his or their Servants, or by any Person or Persons employed by him or them; in any and every such Case it shall not be necessary or requisite that any Person or Persons, seeing such Offence or Offences committed again, should require the Removal of the said Goods, Materials, Matters, or Things, or Coaches, Carts, Waggon, Drays, Wheelbarrows, Handbarrows, Sledges, Trucks, or other Carriages; but the same or any of them, being so again set, placed, or driven in, upon, or over the said Pavements or any of them, or any Part thereof, contrary to the Directions of any such local Act or Acts of Parliament, or of this Act, shall and may be seized, forfeited, removed, applied, detained, appraised, and sold in Manner herein provided as to any other Goods, Materials, Matters or Things, or Coaches, Carts, Waggon, Drays, Wheelbarrows, Handbarrows, Sledges, Trucks, or other Carriages, which shall not be removed on a Requisition or Notice being given so to do as herein-before provided; and the Person or Persons so committing the said Offence or Offences, and the Owner or Owners of the Goods, Materials, Matters or other Things, or Coaches, Carts, Waggon, Drays, Wheelbarrows, Handbarrows, Sledges, Trucks, or other Carriages which shall be so placed
or

or driven, and the Master or Masters, Employer or Employers of the Person or Persons so offending, shall be subject and liable to the same Penalty or Penalties, Forfeitures, Proceedings, Charges, and Punishments, as if such Person or Persons offending had neglected or refused to remove the said Goods, Materials, Matters, or other Things, or Coaches, Carts, Waggons, Drays, Wheelbarrows, Handbarrows, Sledges, Trucks, or other Carriages, when required so to do, under and by virtue of any local Act or Acts of Parliament, or of this Act, and although the said Notices or Requisitions shall not have been repeated or again given to the Person or Persons committing or directing or permitting such Offence or Offences, or any of them; any thing in this Act or in any local or other Act or Acts of Parliament to the contrary thereof in anywise notwithstanding.

LXVII. And be it further enacted, That in case any Hog-stye, Slaughter-house, Horse-boiling Establishment, or any other Matter which in the Judgment of the Commissioners or Trustees, or other Persons having the Control of the Pavements in any parochial or other District within the Jurisdiction of this Act, is a Nuisance to the other Inhabitants of such parochial or other District or any of them, at any Time or Times hereafter shall be in any of the Streets, Lanes, or public Places in any parochial or other District within the Jurisdiction of this Act, it shall be lawful for the said Commissioners or Trustees, or other Persons having the Control of the Pavements of the said Streets and public Places, upon Complaint thereof to them made by any Inhabitant, and after due Investigation of such Complaint, by Notice in Writing under the Hand or Hands of any of their Surveyor or Surveyors, or of their Clerk or Clerks for the Time being, to order that every or any such Hog-stye, Necessary-house, Slaughter-house, or other Matter, being a Nuisance, shall be forthwith remedied or removed; and if the

Hog-styes
and other
Nuisances
may be re-
moved.

same

same shall not be remedied or removed within Seven Days after such Notice given to the Owner or Owners, Occupier or Occupiers of the Premises wherein such Nuisance or Nuisances shall be situate, or left for him, her, or them at his, her, or their last or usual Place or Places of Abode, or on the said Premises, then every such Owner or Occupier so neglecting to remedy or remove such Nuisance pursuant to such Notice, and to the Satisfaction of the said Commissioners or Trustees or other Persons, or of their Surveyor or Surveyors of the Pavements for the Time being, shall forfeit and pay the Sum of Ten Pounds for every such Neglect and Disobedience; and also it may be lawful to and for the said Commissioners or Trustees or other Persons to indict or cause to be indicted such Person or Persons so neglecting or disobeying any such Notice, at the then next or at any future General or Quarter Sessions or Adjourned Quarter Sessions of the Peace for the City, Borough, or County wherein such parochial or other District may be situate, for such Nuisance, or for such Disobedience and Offence; and such Person or Persons being found guilty thereof, such Nuisance or Nuisances shall be removed, taken down, and abated according to Law with regard to public or common Nuisances, or may be subject to such Punishment for a Misdemeanor, as the Justices assembled at a General, Quarter, or Adjourned Sessions for the said City, Borough, or County may direct.

Swine not to be kept, nor to wander in the Streets.

LXVIII. And be it further enacted, That no Person or Persons whomsoever, at any Time or Times hereafter, shall breed, feed, or keep any Kind or Species of Swine in any House, Building, Yard, Garden, or other Hereditaments situate and being in or within Forty Yards of any Street or public Place in any parochial or other District within the Jurisdiction of this Act, nor shall suffer any Kind or Species of Swine belonging to him or them to stray or go about in any Street or public Place

Place in any parochial or other District within the Jurisdiction of this Act; and that any Person or Persons who shall so offend shall forfeit and pay for every such Offence the Sum of Forty Shillings, and shall also forfeit the said Swine and every of them unto the Commissioners or Trustees or other Persons having the Control of the Pavements in any such parochial or other District; and that it shall and may be lawful for the said Commissioners or Trustees or other Persons, or their Surveyor or Surveyors, Inspector or Inspectors, or any other Officer or Person or Persons directed and appointed by them, and for any Constables and Headboroughs, at all Times hereafter all such Swine to seize, take, drive, and carry away, and sell for the best Price that can be reasonably had; and the Money thereby produced, after deducting all the Costs and Charges of and incidental to such Seizure, Removal, and Sale, to pay to the Treasurer or Treasurers of the said Commissioners or Trustees or other Persons, or to such other Person or Persons as the said Commissioners or Trustees or other Persons as aforesaid shall from Time to Time direct and appoint.

LXIX. And be it further enacted, That if any Person or Persons at any Time or Times hereafter shall sift, screen, or slack, or cause to be sifted, screened, or slacked, any Lime in any Street or public Place in any parochial or other District within the Jurisdiction of this Act, or shall cause the same to be so done, without the Consent of the Commissioners or Trustees or other Persons having the Control of the Pavements in the Streets or public Places in such parochial or other District, or of their Surveyor or Surveyors of Pavements for the Time being, and without also previously erecting an Hoard or Inclosure, with the Licence of the Surveyor or Surveyors of the Pavements in any such parochial or other District first obtained as directed in any local Act or Acts of Parliament relating to any such parochial or other District, or in this Act, and which Hoard or

Lime not to
be slackd in
the Streets.

Inclosure

Inclosure shall inclose all such Lime when and as it shall be sifted, screened, or slacked; then he, she, or they shall forfeit and pay for every such Offence a Sum not being less than Forty Shillings nor exceeding Five Pounds, to be recovered in the same Manner in which other Penalties are hereafter directed to be recovered by virtue of this Act.

Entrances to
Cellars and
Coal Holes
to be covered
and secured.

LXX. And be it further enacted, That if at any Time or Times hereafter the Owner or Owners, Occupier or Occupiers of any House, Building, or Premises in any parochial or other District within the Jurisdiction of this Act, having any Iron or Wooden Rails or Bars over the Areas or Openings to any Kitchens or Cellars or other Part or Parts of his or their House, Building, or Premises, beneath the Surface of the Foot Pavements of any Streets or public Places in any such parochial or other District, or having any Door-way or Entrance into the Basement or Cellar Story thereof, shall not either keep the same, or the Walls of such Kitchens or Cellars, in sufficient and good Repair, or safely and securely guard and constantly keep the same securely guarded by a Rail or Rails, or cover the same over with a strong Flap or Trap Door, according to the Nature of the Case, and to the Satisfaction of the Commissioners or Trustees or other Persons having the Control of the Pavements in such parochial or other District, or of the Surveyor or Surveyors of the Pavements in any such parochial or other District for the Time being, or of any Inspectors or other Officers or Persons appointed by the said Commissioners, Trustees, or other Persons as aforesaid, or some of them, and so as to prevent Danger to Persons passing and repassing; or if any such Occupier or Occupiers do or shall leave open or not sufficiently and substantially cover and keep covered and secured, to such Satisfaction as aforesaid, any Coal or other Hole, Funnel, Trap-door, or Cellar-flap, belonging to or connected with his, her, or their respective Houses, Buildings, or Premises

mises (save and except only during such reasonable Time as any Coals, Wood, Casks, or other Things shall be putting down or taking out of any such Vault or Basement Story, or during such reasonable Time as the Flap, Trap-door, or Covering thereof shall be altering, repairing, or amending); or if such Owner or Owners, Occupier or Occupiers, shall not repair, and from Time to Time keep in good and substantial Repair, to the Satisfaction of the said Commissioners or Trustees or other Persons, or of the said Surveyor or Surveyors, Inspectors or other Persons appointed by the said Commissioners or Trustees or other Persons as aforesaid, all and every or any such Iron or Wooden Rails, Guard Rails, Flaps, Trap-doors, and other Covering; then and in every such Case the Person or Persons neglecting so to do shall for every or any such Offence forfeit and pay any Sum not being less than Forty Shillings nor exceeding Five Pounds, to be recovered in such and the same Manner in which other Penalties are hereafter directed to be recovered by virtue of this Act; and that in any or either of such Cases of Neglect it shall and may be also lawful to and for any Two or more of the said Commissioners or Trustees, or other Persons as aforesaid, and without the Authority of any public or general Meeting, or for their Surveyor or Surveyors of the Pavements for the Time being, or for their Inspectors, or for any other Person by such Commissioners or Trustees or other Persons appointed as aforesaid, to cause all and every such Door-ways, Entrances, Holes, and Funnel to be well and securely covered over and guarded, and all Iron or Wooden Rails, or Guard Rails, Flaps, Trap-doors, or Coverings, to be well and substantially repaired or renewed by such Person or Persons as they shall think proper to employ, and with such Materials and in such Manner as they or he may direct; and that all the Costs, Charges, and Expences attending the same be ascertained and
certified

certified by the Surveyor or Surveyors of the Pavements in any such parochial or other District, and shall be borne and paid by the Owner or Owners, Occupier or Occupiers, or other Person or Persons so neglecting to repair and make good the same in Manner aforesaid ; and that if such Costs, Charges, and Expences shall not be so paid by such Person or Persons to the said Surveyor or Surveyors, or to such other Person or Persons as he or they shall or may appoint to receive the same, within Twenty-four Hours after an Account of the Costs, Charges, and Expences so ascertained and certified shall have been given to or left for such Person or Persons at or on such Houses, Buildings, or Premises, then double the Amount of the Sum so certified shall become due and payable from such Person or Persons, over and above the other Penalties hereby imposed, and shall and may be recovered and levied in such and the same Manner in which any other Penalties are herein-after directed to be recovered, or in which any Monies may be recovered from any Water or Gas Light Companies, or any other Persons, for or on account of any Costs and Charges of relaying any Pavements, by virtue of any local Act or Acts of Parliament relating to such parochial or other District, or of this Act.

Holes excavated for Vaults to be inclosed.

LXXI. And be it further enacted, That if at any Time or Times hereafter any Person or Persons shall dig or make or cause to be dug or made any Hole, or leave or cause to be left any Hole before any vacant Ground, or before or behind or on the Side of any House or other Tenement or Building erected or being erected or about to be erected in and adjoining to any Street or public Place formed or to be formed or forming in any parochial or other District within the Jurisdiction of this Act, for the Purposes of making any Vault or Vaults, or the Foundation or Foundations to such Houses or other Buildings, or for any other Purpose whatsoever, and shall not forthwith inclose the same in a good and sufficient

sufficient Manner, to the Satisfaction of the Surveyor or Surveyors of the Pavements for the Time being to the Commissioners or Trustees or other Persons having the Control of the Pavements in such parochial or other District, or shall keep up or cause to be kept up and continued any such Inclosure for any Time which shall be longer than shall be absolutely necessary in the Opinion of the said Commissioners or Trustees or other Persons as aforesaid, or of their Surveyor or Surveyors of Pavements for the Time being, or shall not, when thereunto required by such Surveyor or Surveyors, or either of them, well and sufficiently fence or inclose any such Hole or Holes, or Area or Areas, or Space or Spaces, opened or left open, and intended for an Area or Areas, Foundation or Foundations, or for any other Purpose whatsoever, in the Front of or behind or on the Side of such vacant Ground, House, or other Tenement or Building, in and adjoining to any such Street or public Place formed or to be formed or forming, within Six Hours after he or they shall be required so to do by the said Surveyor or Surveyors of Pavement, and in the Manner and with such Materials as he or they shall direct, and to his or their Satisfaction, then and in every or any such Case he or they so offending shall forfeit and pay for every such Offence, and for every such Refusal or Neglect, any Sum not being less than Forty Shillings nor exceeding Five Pounds, to be recovered in the same Manner in which other Penalties are hereinafter directed to be recovered by virtue of this Act.

LXXII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners or Trustees or other Persons having the Control of the Pavements of the Streets and public Places in any parochial or other District within the Jurisdiction of this Act, and for their Surveyor or Surveyors of Pavements, from Time to Time and at all Times hereafter, to regulate or remove, in such Manner as

Encroach-
ments and
Projections
to be regu-
lated.

he or they shall from Time to Time judge proper, all Signs, Sign Irons, Sign Posts, and other Posts, Sheds, Penthouses, Spouts, Gutters, Steps, Stairs, Cellar Doors, Bow and other Windows projecting over any Part of either of the Footways or Carriage-ways of any of the said Streets or public Places, Window Shutters, Stumps, Shades, Rails, Pales, Palisades, Porches, Bulks, Shew Glasses and Shew Boards, Pools, Cesspools, Cisterns and Reservoirs for Water, and all other or any fixed or moveable Projections, on Hinges or otherwise, from the Fronts or Sides of any House or Houses or other Buildings, and now affixed or belonging to, or which shall be hereafter affixed or belonging to any House or Houses or other Buildings in or abutting upon or contiguous to any Streets or public Places in any parochial or other District within the Jurisdiction of this Act, or to the Owner or Owners or Occupier or Occupiers of any such Houses or other Buildings, and which in the Judgment of the said Commissioners or Trustees or other Persons as aforesaid, or of their Surveyor or Surveyors of Pavements for the Time being, then do or may obstruct the Circulation of Light and Air, or are inconvenient or incommodious to any Passengers along the Carriage or Footways of any of the said Streets or public Places of or within the Jurisdiction of this Act, or any Part thereof, or to any Inhabitants of such parochial or other District; and that the same, and all the Roofs, Cornices, Eaves, and Penthouses of or belonging to such Houses or Buildings respectively, and all Water Pipes or Trunks affixed or belonging or to be affixed or belonging to any such Houses or other Buildings respectively, shall from Time to Time and at all Times be regulated, removed, placed, and altered by the Owner or Owners or Occupier or Occupiers of such Houses or other Buildings respectively, as in the Judgment of the Commissioners or Trustees or other Persons as aforesaid, or their Surveyor or Surveyors of the
Pave-

Pavements for the Time being, shall be necessary or desirable for the public Convenience; and that in case any Person or Persons owning or occupying any House or Houses or other Buildings in or abutting upon or contiguous to any Streets or public Places in any parochial or other District within the Jurisdiction of this Act, on being required by any Notice signed by any Three or more Commissioners or Trustees or other Persons having the Control of the Pavements in the parochial or other District within which the said House or Houses or Buildings may be situate, or by their Surveyor or Surveyors of Pavements for the Time being, given to or left for such Person or Persons, or any of them, in or at or upon the said House or Houses or other Buildings or any of them, or at his or their usual or last known Place or Places of Abode, shall not from Time to Time and at all Times immediately either entirely remove or alter, to the Satisfaction of the said Commissioners or Trustees or other Persons having the Control of the Pavements in any such parochial or other District, or of their Surveyor or Surveyors of the Pavements for the Time being, any Signs, Sign Irons, Sign Posts and other Posts, Sheds, Penthouses, Spouts, Gutters, Steps, Stairs, Cellar Doors, Bow and other Windows, Window Shutters, Stumps, Shades, Sun Blinds, Awnings, Rails, Pales, Palisades, Porches, Bulks, Shew Glasses and Shew Boards, Pools, Cesspools, Cisterns and Reservoirs, or other Things then fastened or affixed, or belonging to or connected with any such House or Houses or other Buildings, and all other fixed or moveable Projections or Things projecting from the Fronts or Sides of, or added or appendant or belonging to any House or Houses or other Buildings, or to the Owner or Owners or Occupier or Occupiers of any such House or Houses or other Buildings, over any Footways or Carriageways of any Streets or public Places within the Jurisdiction of this Act, or any Part, or any

of them, and the Roofs, Cornices, Eaves and Pent-houses, Waterpipes or Trunks, affixed or to be affixed, or belonging or to belong unto or connected with any of such Houses or Buildings respectively; then and in every such Case any and every such Person or Persons refusing or neglecting immediately so to do, to the Satisfaction of the said Commissioners or Trustees or other Persons as aforesaid, or of their Surveyor or Surveyors of the Pavements for the Time being, shall for every such Offence, and upon every such Refusal or Neglect, forfeit and pay a Sum not being less than Forty Shillings nor exceeding Five Pounds, and which may be recovered in the same Manner in which other Penalties are herein-after directed to be recovered by virtue of this Act.

Slop to be
carried only
in covered
Carts.

LXXIII. And be it further enacted, That if any Person or Persons at any Time or Times hereafter shall drive or cause to be driven any Cart or other Carriage with any Soap Lees, Night Soil, Ammoniacal Liquor, Slop, Filth, or Channel Mire or Dirt therein, through or in any of the Streets or other public Places in any parochial or other District within the Jurisdiction of this Act, without such Cart or other Carriage having a proper Covering or Boards, called Flash Boards, to prevent the same from slopping or spilling in any of the said Streets or other public Places; or shall at any Time or Times hereafter drive or cause to be driven any Cart or other Carriage with any Soap Lees, Night Soil, or Ammoniacal Liquor therein, through or in any of the Streets or public Places in any parochial or other District within the Jurisdiction of this Act, between the Hours of Six of the Clock in the Morning and Eight of the Clock in the Evening of any Day; or shall fill any such covered Cart or other Carriage, so as to turn over or cast any Soap Lees, Night Soil, Ammoniacal Liquor, Slop, Mire, or Channel Dirt or Filth, in or upon any of the said Streets or other public Places; it shall and may be lawful for any Person

Person or Persons whomsoever to seize and apprehend and to assist in seizing and apprehending the Offender or Offenders, and by the Authority of this Act, and without any other Warrant or Authority, to convey him or them before some Justice of the Peace for the City, Borough, or County wherein such parochial or other District shall be situate; and which Justice is hereby authorized and required to hear Evidence and determine upon such Offence; and every Person so offending shall for every such Offence forfeit and pay the Sum of Five Pounds, to be recovered in the same Manner as other Penalties are herein-after directed to be recovered by virtue of this Act: Provided always, that in case the Person or Persons so offending cannot be apprehended, then the Owner or Owners of such Cart or Carriage in which such Soap Lees, Night Soil, Ammoniacal Liquor, Slop, Filth, Mire, or Channel Dirt shall be put or placed, and also the Employer or Employers of the Person or Persons so offending, shall be liable to and shall forfeit and pay such Penalty as aforesaid, to be recovered as aforesaid.

LXXIV. And be it further enacted, That if any Person or Persons at any Time or Times hereafter shall empty or begin to empty any Bog-house or Bog-houses, or to take away any Night Soil from any House or Houses or Premises within the Streets or other public Places in any parochial or other District within the Jurisdiction of this Act, or shall come with Carts or Carriages for that Purpose (save and except between the Hours of Twelve of the Clock in the Night and Five of the Clock in the Morning from *Lady-day* to *Michaelmas* in every Year, and between Twelve of the Clock at Night and Six of the Clock in the Morning from *Michaelmas* to *Lady-day* in every Year); or if any Person or Persons shall put or cast or cause to be put or cast out of any Cart or Tub or otherwise any Night Soil in or near any of the Streets or other public Places in any parochial or other District within the Jurisdiction

Certain
Nuisances
finable.

of this Act, it shall be lawful for any Constables, Headboroughs, Patrols, Beadles, or Watchmen (and they are hereby strictly charged and required and directed so to do), or for any other Person or Persons whomsoever, without any Warrant or other Authority than this Act, to apprehend and carry any Person or Persons guilty of the said Offences, or either of them, to any Watch-house of the parochial or other District wherein such Offence shall have been committed, or to any other Place of Confinement or Security, and from thence to convey him, her, or them, as soon as conveniently may be, before some Justice of the Peace for the City, Borough, or County wherein such parochial or other District shall be situate, who (upon Oath or Affirmation made of such Offence or Offences as aforesaid) shall commit every such Offender or Offenders to the House of Correction for the same City, Borough, or County wherein such parochial or other District shall be situate as aforesaid, for any Time not exceeding Thirty Days, to be computed from the Day of Commitment; and the Owner or Owners of any Carts, Carriages, Horses, or Beasts employed in and about emptying or removing such Night Soil, or coming for that Purpose (save and except within the Hours hereby allowed), or the Employer or Employers of any Person or Persons who shall so put or cast out any such Night Soil, shall forfeit the Sum of Five Pounds for every such Offence; and any Person or Persons may seize such Carts or Carriages, or the Horses or Beasts drawing the same, with the Gears, Harness, and Accoutrements, and remove or take such Carts or Carriages, Horses or Beasts, to such Place in the said parochial or other District as may be appointed for such or similar Purposes, if any such there be, or otherwise to such Place or Places as the Surveyor or Surveyors of the Pavements of such parochial or other District shall order and direct, there to be detained until the Owner or Owners, Employer

ployer or Employers, shall pay the said Penalty, together with all Costs, Charges, and Expences incurred in and about or relating to the Seizure, removing, and keeping the said Carts or Carriages or Horses, or in any Manner incidental thereto; and in case the same shall not be demanded, and the said Penalty, and all such Costs, Charges, and Expences, to be ascertained and determined by the Surveyor or Surveyors of the Pavements of the said parochial or other District for the Time being, and within Five Days next after such Seizure, then it shall be lawful for such Surveyor or Surveyors to order the same to be appraised and sold, and the Money arising therefrom shall be applied in Payment of such Penalty and Costs, Charges and Expences; and after deducting the same, the Overplus, as so ascertained by the said Surveyor or Surveyors, may be paid to the Owner or Owners thereof, when he or they shall apply for the same; and also that One Moiety of such Penalty shall belong to and shall be paid to or among the Person or Persons giving Information of such Offences, or any of them, and apprehending the Offender or Offenders, and seizing, removing, and detaining such Carts or Carriages, and Horses or Beasts, as herein-before is authorized and directed.

LXXV. And be it further enacted, That no Person or Persons whomsoever shall erect, place, set up, or build, in any Street or other public Place in any parochial or other District within the Jurisdiction of this Act, at any Time or Times hereafter, any Hoard or Scaffolding, or place or erect any Posts, Bars, Rails, Boards, or other Thing, by way of Inclosure, for the Purpose of making Mortar, or of depositing or sifting, screening or slacking any Bricks, Stone, Lime, Sand, or any other Materials for building or repairing any House or other Tenement or Erection, or for other Works, or for any other Purpose, without Leave or Licence first had and obtained under the Hand or Hands of the Sur-

Hoads to be erected, but not without Leave.

veyor or Surveyors for the Time being of the Pavements of such parochial or other District, who is and are hereby required to grant the same forthwith for the Purpose of making Mortar, and depositing or sifting, screening or slacking any Bricks, Stone, Lime, Sand, or any other Materials for building or repairing any House or other Tenement or Erection, specifying therein the Length of Time for which the same when so erected or set up may be continued, and giving such other Directions respecting the same as he or they may think necessary, on being paid by every Person so applying for such Licence the Sum of Two Shillings and Sixpence; and that if any Person or Persons shall erect, place, set up, or build, or cause or permit to be erected, placed, set up, or built, any such Hoard or Scaffolding, or any Inclosure, Posts, Bars, or Rails, or any other Matter or Thing for the Purposes aforesaid, or for any other Purpose, without the Leave or Licence, signed as aforesaid, of the said Surveyor or Surveyors of the Pavements so had and obtained, or shall erect, set up, or build the same, or cause or permit the same to be set up or erected in any other Manner, or to be continued for any longer Time than shall be allowed or expressed in such Licence, then and in either of the said Cases such Person or Persons, or the Person or Persons by whom he or they shall or may be employed, shall forfeit and pay the Sum of Ten Shillings for every Day that the same shall have been and shall be set up and continued; and also that it shall and may be lawful for the said Commissioners or Trustees or other Persons having the Control of the Pavements of such parochial or other District, or for the said Surveyor or Surveyors of the Pavements for the Time being, to cause the same to be pulled down and removed, and the same and all the Materials thereof, and of every Part thereof, to be kept and detained until such Person or Persons shall and do pay to the said Surveyor or Surveyors
of

of the Pavements, or to the Person or Persons in whose Custody the same shall be, all the Penalties incurred by such Person or Persons, together with the Charges of pulling down, removing, and keeping the same, to be ascertained and determined by the said Surveyor or Surveyors; and in case the same shall not be claimed, and the said Penalties and Charges aforesaid shall not be paid within the Space of Five Days next after the pulling down and Removal thereof, then it shall and may be lawful to and for the said Commissioners or Trustees, or other Persons as aforesaid, or for their Surveyor or Surveyors of the Pavements, to order or cause the same to be appraised and sold; and the Money arising therefrom, after deducting all the said Charges, shall be paid to the Treasurer or Treasurers of the said Commissioners or Trustees or other Persons as aforesaid, or to such other Person or Persons as they from Time to Time shall or may direct or appoint.

LXXVI. And be it further enacted, That the said Commissioners or Trustees, or other Persons having the Control of the Pavements of the Streets and public Places in any parochial or other District within the Jurisdiction of this Act, may order and direct all and every the Houses and other Tenements or Buildings within all or any of the Streets and other public Places within their respective parochial or other District (if no other public Body shall possess and have exercised such Power) to be numbered with Figures placed or painted upon or over the Doors thereof, or such other Part of the said Houses, Tenements, or other Buildings respectively, as they the said Commissioners or Trustees or other Persons as aforesaid, or their Surveyor or Surveyors of the Pavements for the Time being, shall think proper; and may also order and direct to be engraved, painted, or otherwise described on a conspicuous Part of any House, Tenement, or other Building, at or near the End or Corner of each Street and
other

Commission-
ers may direct
Streets to be
distinguished,
and Houses
to be num-
bered;

and Names
and Numbers
not to be
obliterated.

other public Place, the Name by which such respective Street and public Place is usually or properly called or known; and if any Person or Persons shall wilfully destroy, injure, obliterate, or deface any such Number, Figure, Name, or Description, or any Part thereof, or cause or procure the same to be destroyed, injured, obliterated, or defaced, and shall be convicted thereof by his or their own Confession, or by the Oath or Affirmation of any One or more credible Witnesses or Witnesses, before any Justice of the Peace for the City, Borough, or County wherein such parochial or other District shall be situate, and which Oath or Affirmation such Justice is hereby empowered to administer, every such Person so offending for every such Offence shall forfeit and pay the Sum of Forty Shillings; and also, that when any Number, Figure, Name, or Description shall be engraven, painted, or otherwise described, placed, or affixed as aforesaid on any House, Tenement, or other Building within any parochial or other District within the Jurisdiction of this Act, and the same or any Part thereof shall be destroyed, injured, obliterated, or defaced, the Owner or Owners, Occupier or Occupiers of any such House, Tenement, or other Building where the Number, Figure, Name, or other Description, or any Part thereof, shall have been so destroyed, injured, obliterated, or defaced, upon Notice given to or left for him or them at such House, Tenement, or Building, or at his or their last or most usual Place of Abode, signed by the Surveyor or Surveyors of the Pavements to the Commissioners or Trustees or other Persons having the Control of the Pavements in such parochial or other District, or by such other Person or Persons as the said Commissioners or Trustees or other Persons as aforesaid shall appoint, shall cause the same Number, Figure, Name, or Description to be in the same or like Manner engraven, painted, or described, placed or affixed, on such House, Tenement, and other Building,

ing, within Three Days after such Notice shall be given or left as aforesaid, at his or their own Charges; and in case he or they shall refuse or neglect so to do pursuant to such Notice, he or they shall forfeit and pay for every such Offence a Sum not being less than Ten Shillings nor exceeding Twenty Shillings for each and every Day after the Expiration of the said Term of Three Days, after such Notice shall be given or left, during which he or they shall so refuse or neglect; and that every such Penalty shall be recovered in the same Manner as other Penalties are herein-after directed to be recovered by virtue of this Act.

LXXVII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners or Trustees, or other Persons having the Control of the Pavements of any parochial or other District within the Jurisdiction of this Act, from Time to Time and at any Time hereafter to cause all or any of the Streets and other public Places within their respective Jurisdiction to be watered, and to be so watered either by any Person or Persons employed by them, or by any other Persons engaging to execute the same by public Contract or private Agreement, for such Prices and for such Time, and in such Manner and on such Terms, as they shall think proper and approve; and also may cause any Well or Wells to be dug or sunk, and any Pump or Pumps to be made and erected, in such Places (not being a Vault, Cellar, or other Building, under any of the said Streets or other public Places), and also to cause any Pump or Pumps now standing, or which shall hereafter be erected for the Purposes of watering the same, from Time to Time to be removed, altered, or repaired; and may purchase and repair Carts and Horses and Pipes and other Implements, and may employ any Carters, Workmen, and Servants, and may rent or erect any Stables or other Buildings necessary for the Purpose of keeping such Carts and Implements and Horses, and may
do

Streets may
be watered.

Expences of
watering
Streets may
be defrayed
by special
Rates ;

to be paid to
the Collector
of the Paving
Rates ;

do or cause to be done all other Matters and Things which they may deem necessary for that Purpose ; and the Charges and Expences thereof shall be paid out of the Monies received for and towards the paving and repairing the Pavements of such parochial or other District, either exclusively or jointly with, for, or towards any other Objects or Purposes, or out of any Monies to be raised and produced by the Rates or Assessments herein-after authorized to be made for that Purpose ; and that it may be lawful to and for the said Commissioners or Trustees, or other Persons as aforesaid, at any Meeting or Meetings from Time to Time in each and every Year, to make and sign such further and additional Rates or Assessments upon all and every Person and Persons who do or shall inhabit, hold, occupy, be in Possession of, or enjoy any Messuages, Tenements, Lands, Grounds, Coach-houses, Stable, Cellars, Vaults, Houses, Shops, Warehouses, or other Buildings or Hereditaments whatsoever, within any such Street or public Place which shall be watered by virtue of this Act, as may, in the Opinion of the said Commissioners or Trustees, or other Persons as aforesaid present at such Meeting, be sufficient for defraying the Charges and Expences of sinking such Wells, and erecting and repairing such Pumps, and watering such Streets and public Places respectively, and all other Charges and Expences relating or incidental thereto ; so that in any one Year such further additional Rate or Assessment shall not exceed the Sum of Sixpence in the Pound upon or according to the full Annual Rents or Value of such Hereditaments respectively ; and that every such Rate and Assessment shall specify the Period for which it is made, and shall be demanded and collected from the usual Quarter Day preceding the Time of making and signing the same ; and that all and every such Rates or Assessments, if so made and signed, shall be paid, by the Person and Persons liable to the Payment thereof, to the Collector
or

or Collectors or other Person or Persons appointed or from Time to Time to be appointed to collect the Rates or Assessments made or to be made for or towards the Expences of paving and repairing the Pavements of the Streets and public Places within such parochial or other District, either exclusively or jointly with, for, or towards any other Objects or Purposes; and also, that all such Rates or Assessments shall be recovered and levied of and from such Person or Persons, and shall be accounted for and paid over to such Person and Persons, in such and the like Form and Manner, with such Powers of Distress, and according to such Rules, Methods, and Directions, as are mentioned and appointed in and by this Act, or by any local Act or Acts of Parliament relating to such parochial or other District, relating to collecting, receiving, recovering, levying, accounting for, and applying the several Rates and Assessments made and to be made for and towards the Expences of paving or repairing the Pavement of any Streets or public Places within such parochial or other District, either exclusively or jointly with or for or towards any other Objects or Purposes as aforesaid.

and to be
accounted for
and enforced
in the same
Manner as
Paving Rates.

LXXVIII. Provided always, and be it further enacted, That the said Commissioners or Trustees, or other Persons as aforesaid, may not rate or assess the Inhabitants or Occupiers of any Houses, Hereditaments, or Premises, or other rateable Property within any Street or public Place in any parochial or other District within the Jurisdiction of this Act, with any such further or additional Rate or Assessment, unless a Majority of the Inhabitants or Occupiers of such Houses, Hereditaments, and Premises, and other rateable Property (such Majority not being less than Three-fourths of such Inhabitants or Occupiers within such Streets or public Places), shall at the same or at some previous Time have signified and expressed their Wish and Consent in Writing that such Street or public Place should be watered,

But Rates
not to be
made until
Three-
fourths of the
Inhabitants of
any Street
request the
same to be
watered.

watered, and shall have signed their Names to such Writing, and delivered or caused the same to be delivered to the said Commissioners or Trustees, or such other Persons as aforesaid, or to their Clerk or Clerks for the Time being.

Courts may be stopped up with the Approbation of Two or more Justices, and with the Consent of the Owners of contiguous Property.

LXXIX. And whereas there are in certain parochial or other Districts within the Jurisdiction of this Act certain Courts, Alleys, and Places which, without Inconvenience to the Public, might be discontinued and stopped up, and which, from their private and confined Situation, and by being Harbours or Receptacles for Filth and Rubbish, are noisome and offensive; be it therefore further enacted, That if upon the View of any Two or more of His Majesty's Justices of the Peace for the City, Borough, or County wherein such Court, Alley, or Place may be situate, it shall to them appear that any such Court, Alley, or Place is become unnecessary, and may, without Inconvenience to the Public, or to the Owners of Houses or Tenements adjoining thereto, be discontinued and stopped up, then and in such Case it shall and may be lawful to and for such Justices, by and with the Consent of the Commissioners or Trustees, or other Persons having the Control of the Pavements of the Streets and public Places in such parochial or other District, testified by Writing under the Hand of the Clerk or Clerks to such Commissioners or Trustees or other Persons as aforesaid for the Time being, and by and with the Consent of the Owner and Owners of the Houses, Lands, or Tenements adjoining to Four Parts in Five in the Length of any such Court, Alley, or Place, testified by Writing under his, her, or their Hand or Hands, at any Special Session to be holden for that Purpose, by Order under the Hands and Seals of such Justices, to discontinue and stop up any and every such Court, Alley, or Place; and all such Courts, Alleys, and Places, or such Proportion thereof as may adjoin to the Houses or Tenements of such Person who shall have so consented, shall be discon-

discontinued and stopped up accordingly, subject to Appeal, as herein-after is mentioned: Provided always, that nothing herein contained shall extend or be construed to extend so as to authorize the discontinuing or stopping up any Court, Alley, or Place, or any Part or Parts thereof, whereby or in consequence whereof any House, Tenement, or Land shall be so inclosed (unless with such Consent as aforesaid) that the Owner or Owners thereof shall be prevented from passing freely to and repassing freely from such House, Tenement, or Land.

LXXX. And be it further enacted, That for the Improvement of the Streets and public Places in the parochial or other Districts within the Jurisdiction of this Act, and for the public Advantage, it shall and may be lawful to and for the Commissioners or Trustees, or other Persons having the Control of the Pavements of any parochial or other District, from Time to Time and at all Times hereafter to alter, widen, turn, or extend any of the Streets or other public Places within any such parochial or other District (except Turnpike Roads), and to lengthen and continue or open the same from the Sides or Ends of any Streets or public Places within any parochial or other District, into any other Street or public Place within such or any other parochial or other District, and to raise, level, lower, drain, ballast, gravel, or pave such new Part or Parts of any such Streets or public Places so altered, widened, extended, opened, or lengthened as aforesaid; and that if any Houses, Walls, Buildings, Lands, Tenements, and Hereditaments, or any Part thereof, shall be adjudged by the said Commissioners or Trustees or other Persons as aforesaid to project into, obstruct, or prevent them from so altering, turning, widening, extending, lengthening, continuing, or opening the said Streets or public Places within the said parochial or other District, and that the Possession, Occupation, and Purchase of such Houses, Walls, Buildings, Lands, Tenements, or Hereditaments will be necessary

Streets may
be widened
and improved
with Consent
of Owners.

cessary for that Purpose, it shall and may be lawful to and for the said Commissioners or Trustees or other Persons as aforesaid, and they shall have full Power and Authority, to treat, contract, and agree, or to employ any Person or Persons to treat, contract, and agree with the several Owner or Owners, Occupier or Occupiers of all such Houses, Walls, Buildings, Lands, and Hereditaments, of whatsoever Nature, Tenure, Kind, or Quality, for the Purposes aforesaid, and to pay for the same such Sum and Sums of Money as shall be agreed upon by the said Commissioners or Trustees or other Persons as aforesaid, and the Owner or Owners, Occupier or Occupiers thereof, out of the Money to arise and be raised and to be received by them, either by virtue of any local Act or Acts of Parliament relating to such parochial or other District, or of this Act, and to pull down, use, sell, or dispose of such Houses, Walls, and Buildings, and the Materials thereof, and lay the Sites thereof, and also such other Lands, Tenements, or Hereditaments, or so much thereof as they the said Commissioners or Trustees or other Persons as aforesaid shall think proper, into the said Streets or other public Places, and all such new Parts of such Streets or public Places; and the Owners and Occupiers of Houses and Buildings, Messuages and other Hereditaments therein and adjoining thereto, shall be subject and liable to all the Rates, Assessments, Powers, Provisions, Orders, Clauses, and Things to be made by virtue of or contained in any local Act or Acts of Parliament relating to such parochial or other District, or by virtue of or contained in this Act, in the same Manner as the present Streets and public Places included in any such local Act or Acts, or within the Jurisdiction of this Act, and the Owners and Occupiers of Houses or Buildings and Messuages or other Hereditaments therein and adjoining thereto.

LXXXI. And

LXXXI. And be it further enacted, That it shall and may be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, or others having a partial or qualified Interest or Estate in any Houses, Lands, Tenements, or Hereditaments, Husbands, Femes Covert, Guardians, Trustees, and Feoffees in Trust for Charities or other Purposes, Committees, Executors, or Administrators, and all other Persons whomsoever, not only on behalf of themselves and their respective Heirs, Executors, Administrators, and Successors, but also on behalf of all Persons entitled in Reversion or Remainder expectant on an Estate Tail, and on behalf of all Persons entitled in Reversion or Remainder expectant on an Estate for Life, or other less Estate, or by way of executory Devise, in case such Persons shall be incapacitated or decline to treat, and on behalf of their respective Wives and Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Idiots, Femes Covert, or others, and for all and every other Person or Persons whomsoever who are and shall be seized, possessed of, or interested in any such Houses, Lands, Tenements, or Hereditaments, to treat and agree with the said Commissioners or Trustees, or other Persons having the Control of the Pavements in the Streets or public Places in any parochial or other District within the Jurisdiction of this Act as aforesaid, for the absolute Sale thereof, and to sell and convey to the said Commissioners or Trustees, or other Persons as aforesaid, by Feoffment, Lease and Release, or Bargain and Sale, by Deed indented and enrolled in any of His Majesty's Courts of Record at *Westminster*, for such valuable Consideration as shall be *bond fide* agreed upon for such Houses, Lands, Tenements, or Hereditaments as shall be adjudged necessary and convenient for the Purposes aforesaid; and that all Contracts, Agreements, Sales, or Conveyances which shall be *bond fide* made for the Purpose aforesaid, shall be good and

and effectual in the Law to all Intents and Purposes ; any thing to the contrary thereof in anywise notwithstanding.

When Parties refuse or are unable to treat, &c. a Precept to be issued for impannelling a Jury.

LXXXII. And be it further enacted, That if any Body or Bodies Politic, Corporate, or Collegiate, or any other Person or Persons seized or possessed of or interested in any such Houses, Buildings, Lands, Tenements, or Hereditaments as aforesaid, shall refuse to treat or agree, or shall not agree, or by reason of Absence or Disability cannot agree with the said Commissioners or Trustees or other Persons having the Control of the Pavements of any Streets or public Places in any parochial or other District within the Jurisdiction of this Act, or with any Person or Persons authorized by them, for the Sale and Conveyance of their respective Estates and Interests therein, or cannot be found or known, or shall not produce and evince a clear Title to the Premises they are in Possession of, or to the Interest they claim therein, to the Satisfaction of the said Commissioners or Trustees or other Persons as aforesaid, or of the Person or Persons so authorized by them, then and in every such Case it shall be lawful for the said Commissioners or Trustees or other Persons as aforesaid, and they are hereby required, to issue a Warrant or Warrants, Precept or Precepts, directed to the Sheriff or Sheriffs or Bailiff or other proper Officer of the City, Borough, or County wherein the Premises shall respectively lie or be, who is hereby authorized, directed, and required accordingly to impanel, summon, and return a competent Number of substantial and disinterested Persons qualified to serve on Juries, not less than Forty-eight nor more than Seventy-two ; and out of such Persons so to be impanelled, summoned, and returned, a Jury of Twelve Men shall be drawn by some indifferent Person to be by the said Commissioners or Trustees or other Persons as aforesaid appointed, in such Manner as Juries for the Trial of Issues joined in His Majesty's Courts at *Westminster* are by

by an Act made in the Third Year of the Reign of His late Majesty King *George* the Second, intituled *An Act for the better Regulation of Juries*, are directed to be drawn ; which Persons so to be impannelled, summoned, and returned as aforesaid, are hereby required to come and appear before the Justices of the Peace for the City, Borough, or County wherein the Premises shall lie or be, at some Court of General or Quarter Sessions of the Peace to be holden in and for the same City, Borough, or County, or at some Adjournment thereof, as in such Warrant or Warrants, Precept or Precepts, shall be directed and appointed, and to attend such Court of General or Quarter Sessions from Day to Day until discharged by the said Court ; and all Parties concerned shall and may have their lawful Challenges against any of the said Jurymen, but shall not be at Liberty to challenge the Array ; and the said Justices are hereby authorized and empowered by Precept or Precepts, from Time to Time as Occasion shall require, to call before them all and every Person and Persons whomsoever who shall be thought proper and necessary to be examined as a Witness or Witnesses on his, her, or their Oath or Oaths, touching or concerning the Premises ; and the said Justices, if they think fit, shall and may, on the Application of either Party, likewise authorize the said Jury to view the Place or Places or Premises in question in such Manner as they shall direct ; and the said Justices shall have Power to adjourn such Court from Day to Day as Occasion shall require, and to command such Jury, Witnesses, and Parties to attend until all such Affairs for which they were summoned shall be concluded ; and the said Jury upon their Oaths (which Oaths, as also the Oaths of such Person or Persons as shall be called upon to give Evidence, the said Justices are hereby empowered and required to administer) shall inquire of the Value of such Houses, Buildings, Lands, Tenements, or Hereditaments, and of the proportionable

who are to
be drawn as
3 G. 2. c. 25.
directs.

Jurymen
may be
challenged.

Justices, on
the Appli-
cation of
either Party,
may direct a
View of the
Premises.

Jury to assess
the Value on
Oath.

Verdict of
the Jury, &c.
to be final,
previous No-
tice being
given to the
Parties in-
terested.

tionable Value of the respective Estates and Interests of all and every Person and Persons seized or possessed thereof, or interested therein, or of or in any Part or Parts thereof, and shall assess and award the Sum or Sums of Money to be paid to such Person or Persons, Party or Parties respectively, for the Purchase of such Houses, Buildings, Lands, Tenements, or Hereditaments, and of such respective Estates and Interests therein, and also for Good-will, Improvements, or any Injury or Damage whatsoever that may affect any such Person or Persons, Party or Parties, either as Leaseholders or Tenants at Will, provided that such Good-will shall be estimated by what, in the Opinion of such Jury, the same would have been worth in case the Improvements intended by this Act had not been in Contemplation; and the said Justices shall and may give Judgment for such Sum or Sums of Money so to be assessed; which Verdict or Verdicts, and the Judgment and Judgments, Determination and Determinations thereupon, (Notice in Writing being given to the Person or Persons interested or claiming so to be, at least Fourteen Days before the Time of the Meeting of the said Justices as aforesaid and Jury, by leaving such Notice at the Dwelling House of such Person and Persons, or at his, her, or their last usual Place or Places of Abode, or with some Tenant or Occupier of the Premises respectively intended to be valued), shall be binding and conclusive to all Intents and Purposes whatsoever against all Bodies Politic, Corporate, and Collegiate, and all and every Person and Persons claiming any Estate, Right, Title, Trust, Use, or Interest in, to, or out of such Houses, Buildings, Lands, Tenements, or Hereditaments and Premises, in Possession, Reversion, Remainder, or Expectancy, as well Infants and Issue unborn, Lunatics, Idiots, and Females Covert, and Persons under any other legal Incapacity or Disability, as all other Cestuique Trusts, their, his, and her Heirs, Successors, Executors, and Admi-

Administrators, and against all other Persons whomsoever; and the said Verdicts, Judgments, and Determinations, and all other Proceedings of the said Justices and Juries so to be made, given, and pronounced as aforesaid, shall be fairly written on Parchment, and signed by the Clerk of the Peace for the Time being of the City, Borough, or County wherein the Premises shall respectively lie or be; and in case it shall so happen that the Sum or Sums of Money so to be assessed and awarded in consequence of such Refusal to treat and agree as aforesaid, as the Value of such Houses, Buildings, Lands, Tenements, or Hereditaments, or as such proportional Value as aforesaid; and as the Recompence and Satisfaction to be made for the Injury or Damage sustained as before mentioned respectively, shall not exceed the Sum or Sums of Money which the said Commissioners or Trustees, or other Persons as aforesaid, or any Person or Persons authorized by them, shall have previously offered to pay as and for such Value, Recompence, and Satisfaction; then and in every such Case all the reasonable Costs, Charges, and Expences of causing and procuring such Value and Recompence to be assessed and awarded as aforesaid, and also assessing and awarding the same, shall be borne and paid by the Body or Bodies Politic, Corporate, or Collegiate, or other Person or Persons so seised or possessed of or interested in such Houses, Buildings, Lands, Tenements, or Hereditaments, and so refusing to treat and agree as before mentioned respectively; and the said Commissioners or Trustees, or other Persons as aforesaid, are hereby authorized and empowered to deduct and retain the said Costs, Charges, and Expences out of the Sum or Sums of Money so to be assessed or awarded as aforesaid, or out of any Part thereof: Provided always, that in all Cases where any Person or Persons shall by reason of Absence have been prevented from treating about such Recompence or Satisfaction as aforesaid,

If the Sum assessed shall not exceed the Sum offered,

the Costs of such Assessment, &c. to be paid by such Body Politic, &c.

and the Commissioners, &c. may retain the same out of the Sum so assessed.

Justices empowered to impose Fines for Non-attendance.

such Costs and Charges shall be borne and paid by the said Commissioners or Trustees, or other Persons as aforesaid, in Manner aforesaid.

LXXXIII. And be it further enacted, That the said Justices shall have Power from Time to Time to impose any reasonable Fine, not exceeding the Sum of Twenty Pounds, on such Sheriff or Bailiff, or his Deputy or Deputies, Bailiffs or Agents respectively, making Default in the Premises, and on any of the Persons who shall be summoned and returned on any such Jury or Juries, and shall not appear, without sufficient Excuse, or appearing shall refuse to be sworn on the said Jury or Juries, or being so sworn shall not give his or their Verdict; and also on any Person or Persons who shall be summoned to give Evidence touching any of the Matters aforesaid, and shall not attend, or attending shall refuse to be sworn or to affirm, or who shall refuse to give his, her, or their Evidence, and on any Person or Persons who shall in any other Manner wilfully neglect his, her, or their Duty in the Premises, contrary to the true Intent and Meaning of this Act; and from Time to Time to levy such Fine or Fines, by Order of the said Justices, by Distress and Sale of the Offender's Goods and Chattels, together with the reasonable Charges of every such Distress and Sale, returning the Overplus (if any) to the Owner or Owners; and that a Copy of the Order of the said Justices, signed by the Clerk of the Peace for the Time being of the City, Borough, or County wherein the Premises shall lie or be, as the Case shall require, shall respectively be sufficient Authority to the Person or Persons therein to be appointed, and to every other Person acting or aiding and assisting therein, to make such Distress and Sale; and all such Fines shall be paid to the Treasurer or Treasurers of the Commissioners or Trustees, or other Persons as aforesaid having the Control of the Pavements in the parochial or other District wherein such Premises shall lie or be, or to such other Person

son or Persons as they may respectively from Time to Time appoint.

LXXXIV. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Buildings, Tenements, or Hereditaments, or for any other Matter, Right, or Interest, of what Nature or Kind soever, purchased, taken, or used by virtue of the Powers of this Act for the Purpose thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any other Disability or Incapacity, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* the said Commissioners or Trustees, or other Persons having the Control of the Pavements of the Streets or public Places in the parochial or other Districts within the Jurisdiction of this Act, wherein such Lands, Buildings, Tenements, or Hereditaments shall be or lie as aforesaid, together with the Name or Names of such Person or Persons as the said Commissioners or Trustees or other Persons as aforesaid, by Writing signed by them, shall direct and appoint, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Buildings, Tenements, or Hereditaments, in the Purchase of Land Tax, or Discharge of any Debt or Debts, or such other Incumbrance or Part thereof as the said Court shall authorize to be paid affecting the same Lands, Buildings, Tenements, or Hereditaments, or affecting other Lands, Buildings, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such

Application
of Compen-
sation where
exceeding
200l.

Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Messuages, Lands, Buildings, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Messuages, Lands, Buildings, Tenements, and Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the meantime and until such Purchase shall be made, the said Money shall, by Order of the Court of Chancery, upon Application thereto, be invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Buildings, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application
where the
compensa-
tion does not
exceed 200l.
or less than
50l.

LXXXV. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Buildings, Tenements, or Hereditaments, or for any other Matter, Right, or Interest, of what Nature or Kind soever, purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then
and

and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank in the Name and with the Privy of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by the said Commissioners or Trustees or other Persons as aforesaid (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money, and the Dividends arising thereon, may be applied in any Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

LXXXVI. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Hereditaments and Premises so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Commissioners or Trustees, or other Persons as aforesaid, shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Application
where the
Money is less
than 20l.

LXXXVII. And

On Payment
of the Pur-
chase Money
Premises to
vest in Com-
missioners,
&c.

LXXXVII. And be it further enacted, That upon Payment of any Sum or Sums so agreed or awarded to the Party or Parties to whom the same shall be so awarded, or upon the Deposit of the same in the Bank of *England* in Manner by this Act directed (as the Case may be), the said Lands, Tenements, and Hereditaments, in respect whereof the same shall have been so paid or deposited as aforesaid, shall vest in the Commissioners or Trustees, or other Persons as aforesaid for the Time being, in Manner and for the Purposes aforesaid, who shall be deemed in Law to be in the actual Possession thereof to all Intents and Purposes whatsoever, freed and discharged from all former and other Estates, Rights, Titles, Interests, Claims, and Demands whatsoever.

Where any
Question
shall arise
touching the
Title to
Money to be
paid, the
Person who
shall be in
Possession of
the Lands,
&c. at the
Time of such
Purchase,
shall be
deemed en-
titled thereto
according to
such Posses-
sion, unless
&c.

LXXXVIII. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privy of the Accountant General of the Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of this Act, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed

disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

LXXXIX. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Lands, Tenements, or Hereditaments to be purchased, or purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, to be paid by the said Commissioners or Trustees or other Persons as aforesaid, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

The Court of Chancery may order reasonable Expences of Purchases to be paid by the Commissioners, &c.

XC. And be it further enacted, That every Tenant at Will or Lessee for a Year, or any other Person or Persons in Possession of any such Houses, Buildings, Lands, Tenements, and Hereditaments, or any Part thereof, which shall be purchased by virtue and for the Purposes of this Act, and who shall have no greater Interest in the Premises than as Tenant at Will or Lessee for a Year, or from Year to Year, shall deliver up the Possession of such Premises to the said Commissioners or Trustees, or other Persons as aforesaid having the Control of the Pavements in the Streets or public Places in the parochial or other Division within the Jurisdiction of this Act, wherein such Houses, Buildings, Lands, Tenements, and Hereditaments, or to such Person or Persons as the said Commissioners or Trustees

Tenants at Will, &c. to deliver Possession on Six Months Notice.

or

or other Persons as aforesaid shall appoint to take Possession of the same, upon having Six Calendar Months Notice to quit such Possession from the said Commissioners or Trustees or other Persons as aforesaid, or from the Person or Persons so authorized by them; and such Person or Persons in Possession shall at the End of the said Six Calendar Months, whether such Notice be given with reference to the Time or Times of such Tenants holding or not, or so soon as he, she, or they shall be required, peaceably and quietly deliver up the Possession of the said Premises to the said Commissioners or Trustees, or other Persons as aforesaid, or the Person or Persons authorized by the said Commissioners or Trustees or other Persons as aforesaid to take Possession thereof; and in case any such Tenant should be compelled to quit before the Expiration of his or her Term in any such Premises, then and in such Case the said Commissioners or Trustees, or other Persons as aforesaid, shall and they are hereby required to make Satisfaction and Compensation for the Loss or Damage which he or she shall or may sustain thereby; and in case any Difference or Dispute shall arise as to the Amount of such Satisfaction or Compensation, the same shall or may be determined, settled, and ascertained by a Jury, in such and the like Manner as the Sum or Sums of Money to be paid for the Purchase of any Lands, Tenements, or Hereditaments, is herein directed to be determined, settled, and ascertained; and that in case any such Person or Persons so in Possession as aforesaid shall refuse to give such Possession as aforesaid, it shall and may be lawful to and for the said Commissioners or Trustees, or other Persons as aforesaid, to issue their Precept or Precepts to the Sheriff or Sheriffs, or Bailiff, or other proper Officer of the City, Borough, or County wherein such parochial or other District shall be situate, to deliver Possession of the said Premises to such Person or Persons as shall in such Precept or Precepts be nominated.

minated to receive the same ; and the said Sheriff or Sheriffs or Bailiff, and every other proper Officer, is hereby authorized and required to deliver such Possession accordingly of the said Premises, and to levy such Costs as shall accrue from the issuing and Execution of such Precept or Precepts on the Person or Persons so refusing to give Possession as aforesaid, by Distress and Sale of his, her, or their Goods.

XCI. And be it further enacted, That all and every Person and Persons who shall have any Mortgage or Mortgages on such Houses, Buildings, Lands, Tenements, and Hereditaments, not being in Possession thereof by virtue of such Mortgage or Mortgages, shall, on the Tender of the Principal Money and Interest due thereon, together with the Amount of Six Calendar Months Interest on the said Principal, by the said Commissioners or Trustees or other Persons having the Control of the Pavements in the Streets or public Places in such parochial or other District within the Jurisdiction of this Act, wherein the said Houses, Buildings, Lands, Tenements, and Hereditaments shall lie or be as aforesaid, or by such Person or Persons as they shall appoint, immediately convey, assign, and transfer such Mortgage or Mortgages to the said Commissioners or Trustees or other Persons as aforesaid, or to such Person or Persons as they shall appoint; or in case such Mortgagee or Mortgagees shall have Notice in Writing from the said Commissioners or Trustees or other Persons as aforesaid, or from such Person or Persons as they shall appoint, that they will pay off and discharge the Principal Money and Interest which shall be due on the said Mortgage or Mortgages at the End or Expiration of Six Calendar Months, to be computed from the Day of giving such Notice, that then at the End of the said Six Calendar Months, on Payment of the Principal and Interest so due, such Mortgagee or Mortgagees shall convey, assign, and transfer his, her, or their

Mortgagees,
on Tender
of Principal
and Interest,
to convey.

on Refusal,
Interest to
cease.

their Interest in the Premises to the said Commissioners or Trustees or other Persons as aforesaid, or to such Person or Persons as shall be appointed in Trust for them; and in case the Mortgagee or Mortgagees shall refuse to convey and assign as aforesaid on such Tender or Payment, that then all Interest on every such Mortgage shall from thenceforth cease and determine.

The Mortgagees not to be paid more than the real Value of Premises.

XCII. Provided always, and be it further enacted, That in case the Sum due upon any such Mortgage or Mortgages, with all Interest due thereon, shall amount to more than the real Value of the Premises, to be ascertained as directed by this Act, then the said Commissioners or Trustees or other Persons as aforesaid shall not be liable to pay to the Mortgagee or Mortgagees more than such real Value of such Premises, so ascertained as aforesaid.

Bargains and Sales to have the Force of Fines and Recoveries.

XCIII. And be it further enacted, That the Conveyance of any such Estate or Interest of any Feme Covert to the said Commissioners or Trustees or other Persons as aforesaid for the Time being, or any Five or more of them, or any Person or Persons in Trust for them, by Indenture or Indentures of Bargain and Sale, sealed and delivered by such Feme Covert in the Presence of and attested by Two credible Witnesses, and duly acknowledged, and to be enrolled in the High Court of Chancery within Six Calendar Months after the making thereof, shall as effectually and absolutely convey the Estate and Interest of such Feme Covert in the Premises as any Fine or Fines, Recovery or Recoveries, would or could do, if levied or suffered thereof in due Form of Law; and further, that all Bargains and Sales whatsoever to be made of any such Houses, Buildings, Lands, Tenements, and Hereditaments, as shall be purchased by the Commissioners or Trustees or other Persons as aforesaid for the Time being, by virtue and for the Purposes of this Act, and enrolled as aforesaid, shall have the like Force, Effect, and Operation in Law, to all Intents and Purposes, as any

any Fine or Fines, Recovery or Recoveries whatsoever would have had if levied or suffered by the Bargainer or Bargainers, or any Person or Persons seized of or entitled to any Estate or Interest in the Premises in Trust for such Bargainer or Bargainers, in any Manner or Form whatsoever.

XCIV. And be it further enacted, That upon Payment of the Principal Money and Interest due on any Mortgage as aforesaid into the Bank of *England*, at the End of Six Calendar Months from the Day of giving such Notice as aforesaid, for the Use of the Mortgagee or Mortgagees, the Cashier or Cashiers of the Bank shall give a Receipt or Receipts for the said Money, in like Manner as is herein-before directed in Cases of other Payments into the Bank; and thereupon all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of the said Mortgagee or Mortgagees, and of all and every Person or Persons in Trust for him, her, or them, shall vest in the said Commissioners or Trustees or other Persons as aforesaid, and they shall be deemed to be in the actual Possession of the Premises comprised in such Mortgage or Mortgages, to all Intents and Purposes whatsoever.

Upon Payment of Principal and Interest into the Bank, Premises to vest in the Commissioners, &c.

XCV. And be it further enacted, That all Sums of Money, or other Consideration, Recompence or Satisfaction, to be paid or made pursuant to any such Agreement or Verdict as aforesaid, or in Discharge of any such Mortgage, shall be paid or tendered to the Party or Parties entitled to the same, or paid into the Bank of *England* as aforesaid, before the said Commissioners or Trustees or other Persons as aforesaid, or any Person or Persons authorized by them, shall proceed to pull down any House or Houses, or other Erections or Buildings comprised in or affected by such Agreement, Verdict, or Mortgage respectively, or to use the Ground for any of the Purposes before mentioned in this Act.

Monies to be paid or tendered before any Use made of the Premises.

XCVI. And be it further enacted, That it shall and may be lawful to and for the said Commissioners

Estates may be sold, the Persons of

or

whom they
where bought
having the
first Offer.

or Trustees or other Persons as aforesaid, from Time to Time absolutely to sell and dispose of all or any of the Freehold or Leasehold Estates, Lands, Houses, Hereditaments, and Premises which shall hereafter be conveyed to them in pursuance of this Act or otherwise ; provided the said Freehold or Leasehold Estates, Lands, Houses, Hereditaments, and Premises so purchased are first offered for Sale to the respective Person or Persons of or from whom the Premises respectively were purchased by or on Behalf of the said Commissioners or Trustees or other Persons as aforesaid ; and if such Person or Persons respectively shall not then and thereupon agree (except with respect to and on account of the Price thereof as herein-after mentioned), or shall refuse (except with respect to and on account of the Price thereof) to purchase the same respectively, an Affidavit shall be made and sworn before a Master in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the City, Borough, or County wherein such parochial or other District shall be situate (who are hereby respectively empowered and directed to take the same), by some Person or Persons uninterested in the said Freehold or Leasehold Estates, Lands, Houses, Hereditaments, or Premises, stating that such Offer was made by or on the Behalf of the said Commissioners or Trustees or other Persons as aforesaid, and that such Offer was not then and thereupon agreed to, or was refused by the Person or Persons to whom the same was so offered ; and that any such Affidavit shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and was not agreed to, or was refused by the Person or Persons to whom such Offer was made, as the Case may be ; and in case such Person or Persons shall be desirous of repurchasing the same, and he, she, or they, and the said Commissioners or Trustees or other Persons as aforesaid, shall differ and not agree with respect to the Price thereof, then the Price or Prices thereof shall

shall be ascertained by a Jury, in the Manner herein-before directed with respect to the disputed Value of Premises to be purchased by the said Commissioners or Trustees or other Persons as aforesaid in pursuance of this Act; and the Expence of hearing and determining such Differences shall be borne and paid in like Manner as is herein-before directed with respect to such Purchase made by the said Commissioners or Trustees or other Persons as aforesaid (*mutatis mutandis*); and the Money to arise by the Sale or Sales which may be made by the said Commissioners or Trustees, or other Persons as aforesaid, of such Freehold or Leasehold Estates, Lands, Houses, Hereditaments, and Premises, shall be applied by the said Commissioners or Trustees or other Persons as aforesaid to the Purposes of the local Act or Acts of Parliament relating to the parochial or other Division over the Pavements whereof they shall possess a Control, or to the Purposes of this Act, but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Non-application of the Money paid by him or them for such Freehold or Leasehold Estates, Lands, Houses, Hereditaments, and Premises.

XCVII. And be it further enacted, That it shall and may be lawful from Time to Time and at all Times hereafter to and for the said Commissioners or Trustees or other Persons having the Control of the Pavements of any parochial or other District within the Jurisdiction of this Act, or such Number of them as under or by virtue of their particular local Act or Acts of Parliament, or of this Act, shall be competent to act, to borrow and take up at Interest, on the Credit of the Rates and Assessments to be made by virtue of such local Act or Acts of Parliament, or by virtue of this Act, any Sum or Sums of Money for or towards the Expence of paving or repairing the Pavements of the Streets or public Places within such respective parochial or

Power to
borrow
Money;

and may
assign the
Rates and
Assessments
as a Security.

other District, either exclusively or jointly with or towards any other Object or Purposes which they shall from Time to Time deem necessary, exclusive of and in addition to any other Sum which the said Commissioners or Trustees or other Persons as aforesaid have been or may at the passing of this Act be empowered to borrow and take up at Interest under and by virtue of any local Act or Acts of Parliament relating to such parochial or other District, to be applied for and towards the Charges and Expences which have been or may be hereafter incurred for or towards the better paying or repairing the Pavements of the Streets and public Places in such parochial or other District, and for the Purposes of this Act; and the said Commissioners or Trustees or other Persons as aforesaid are hereby fully authorized and empowered to assign over the said Rates and Assessments, or any Part thereof (and the Costs and Charges of assigning the same being paid out of the said Rates and Assessments), as a Security for any such Sum or Sums of Money to be borrowed with Interest, to such Person or Persons, or their Trustee or Trustees, as shall advance the same, on Parchment, under the Hands of Five of the said Commissioners or Trustees or other Persons as aforesaid, by the following Words of Assignment, or by any other Words to the same Effect:

Form of Assignment or Debenture.

‘ **BY** virtue of certain Powers and Authorities
‘ vested in us in and by a certain Act or cer-
‘ tain Acts of Parliament, We, the undersigned
‘ Five [*here insert the Name or Title, by which the*
‘ *Persons having the Control of the Pavements are*
‘ *correctly designated*] in consideration of the Sum
‘ of _____ of lawful Money of Great
‘ Britain to us in Hand paid by *A. B.*, do assign
‘ unto the said *A. B.* his, her, or their Executors,
‘ Administrators, and Assigns, or Successors and
‘ Assigns, [*as the Case may be*] all and singular the
‘ Rates and Assessments to be raised, levied, and
‘ collected

' collected in the said [parochial or other District,
 ' as the Case may be] made and to be made for or
 ' towards the paving or repairing the Pavements
 ' of the Streets or public Places within such
 ' [parochial or other District, as the Case may be],
 ' either exclusively or jointly with or for or towards
 ' any other Objects or Purposes [as the Case may
 ' also be], and all the Estate, Right, Title, and
 ' Interest of the said [Commissioners or Trustees or
 ' other Persons, as the Case may be], and of their
 ' Successors, of, in, and unto the same, to hold
 ' unto the said
 ' his, her, or their Executors, Administrators, and
 ' Assigns [or Successors and Assigns], until the
 ' Sum of _____, together with
 ' Interest for the same after the Rate of
 ' per Centum per Annum, shall be repaid. Witnesses
 ' our Hands.'

And all and every Person and Persons, Body or
 Bodies Politic, Corporate or Collegiate, Aggregate
 or Sole, to whom such Appointment or Assignment
 shall be made, shall be equally entitled to their Pro-
 portion of the said Rates and Assessments, accord-
 ing to the respective Sums in such Assignment men-
 tioned to be advanced, to secure the Repayment
 thereof with Interest as aforesaid, without any Pre-
 ference by reason of Priority of Assignment, or on
 any other Account whatever; and the Money so
 borrowed as aforesaid shall be applied in and about
 the Purposes aforesaid, and for the Purposes of this
 Act, and in carrying the same and the several Pro-
 visions, Powers, and Authorities herein and therein
 contained into full Execution.

Persons tak-
 ing such As-
 signments to
 be entitled to
 their Propor-
 tion of the
 Rates; and
 the Money
 so borrowed
 to be applied
 for the Pur-
 poses of this
 Act.

XCVIII. And be it further enacted, That it shall
 and may be lawful to and for the said Commis-
 sioners or Trustees, or other Persons as aforesaid,
 from Time to Time and at all Times hereafter, and
 they are hereby authorized and empowered from
 Time to Time, to grant unto their respective Treas-

Commis-
 sioners, &c. em-
 powered to
 grant Bonds
 to their Treas-
 urer or
 Clerk.

Treasurer
empowered
to sell such
Bonds by
public Auc-
tion.

Monies
arising from
Sale how to
be applied.

Assignments
transferrable
by Endorse-
ment.

surer or Treasurers, or Clerk or Clerks for the Time being, any Bond or Bonds under the Hands of them the said Commissioners or Trustees or other Persons as aforesaid, or any Five or more of them, for the Sum of One hundred Pounds on each Bond, with Interest for the same after the Rate of Five Pounds *per Centum per Annum*, upon the Credit of the said Rates or Assessments; and that it shall and may be lawful from Time to Time to and for such Treasurer or Treasurers, or Clerk or Clerks for the Time being, by and with the Direction of the said Commissioners or Trustees or other Persons as aforesaid, from Time to Time to make Sale and dispose at public Auction of all and every or any such Bond or Bonds so to be granted as aforesaid, unto any Person or Persons, for the best Price or Prices in Money that can be reasonably had or obtained for the same; and that all Monies which shall be from Time to Time received by any such Treasurer or Clerk for the Time being from such Sale or Sales as aforesaid (after deducting thereout all Costs, Charges, and Expences attendant thereon), shall be applied by the said Commissioners or Trustees or other Persons as aforesaid to and for the Purposes aforesaid and of this Act, pursuant to the Provisions in that Behalf herein contained.

XCIX. And be it further enacted, That all and every Person and Persons, Body or Bodies Politic, Corporate, or Collegiate, Aggregate or Sole, to whom such Assignment or Assignments shall be made as aforesaid, or who shall be entitled to the Money thereby secured, may from Time to Time personally, or by Attorney thereunto lawfully authorized, assign or transfer his, her, or their Right, Title, Interest, or Benefit to the said Principal and Interest Money thereby secured, to any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, Aggregate or Sole, whatsoever, by endorsing on the Back of such Security, before One credible Witness, who shall subscribe his Name thereto,

I Do transfer this Assignment, with all my Right
and Title to the Principal Money thereby
secured, and to all the Interest Money now due
or hereafter to be due, unto C. D. his, her, or
their Executors, Administrators, Successors, and
Assigns. Dated this Day of

‘ A. B.’

Witness, E. F.’

L 3

proper,

proper, upon giving Notice to such Person or Persons entitled to the same, or his or their Assignee or Assignees, and upon giving Two Calendar Months public Notice thereof in *The London Gazette*, and One more public Newspaper; and at the Expiration of the said Two Calendar Months after such Notice all Interest shall cease to be paid on the said Principal Monies to be secured by such Bonds or Assignments under this Act, or by any Securities granted under and by virtue of any such local Act or Acts of Parliament.

Interest on
Monies bor-
rowed to be
paid Half-
yearly.

C. And be it further enacted, That the Interest of the Money which shall be borrowed on such Bonds or Mortgages or Assignments as aforesaid, from the Time the said Money shall be advanced, shall be paid Half-yearly by the respective Treasurer or Treasurers, or other Person or Persons deputed for that Purpose by the said Commissioners or Trustees or other Persons borrowing the same Monies, or by their Successors for the Time being.

Money may
be borrowed
on Annuities.

Cl. And whereas many Persons may prefer to advance such Money as may be necessary for the Purposes aforesaid for the Purchase of Annuities, to be secured upon and payable out of the said Rates and Assessments; be it therefore further enacted, That it shall and may be lawful from Time to Time and at all Times hereafter to and for any Person or Persons to contribute, advance, and pay into the Hands of the said Commissioners or Trustees or other Persons as aforesaid, or to their respective Treasurer or Treasurers for the Time being, or to such Person or Persons as they may appoint, any Sum or Sums of Money for the Purposes aforesaid, or of this Act, for the absolute Purchase of One or more Annuity or Annuities, to be paid and payable during the full Term of the natural Life of such Person or Persons, being of the Age of Thirty-five Years and upwards, as shall be nominated by or on the Behalf of such respective Contributors or Purchasers

chasers at the Time of the Payment of their respective Purchase Monies ; all which Annuities so to be purchased shall be payable and paid by the said respective Treasurer or Treasurers, or other Person or Persons deputed for that Purpose by the said Commissioners or Trustees or other Persons as aforesaid for the Time being, out of the Monies to arise by or from the said Rates and Assessments by Half-yearly Payments, the first Payment to be made to the respective Contributors or Purchasers, or their Assigns, at the Expiration of Six Calendar Months after the Payment of their respective Purchase Monies, the Rate whereof shall be settled and adjusted by a public Sale of the said Annuities, by the said Commissioners or Trustees or other Persons as aforesaid, to the best Bidder for the same, or shall be such as the said Commissioners or Trustees or other Persons as aforesaid shall think reasonable, and at any General Meeting shall approve.

CII. And be it further enacted, That all and every the Annuity or Annuities so to be purchased under or by virtue of this Act shall be and are hereby charged upon and shall be paid and payable from Time to Time out of the Monies arising by the said Rates and Assessments to be made as aforesaid, and all and every the Contributors or Purchasers duly paying the Consideration or Purchase Money at the Rate aforesaid for any such Annuity or Annuities as aforesaid, or his, her, or their respective Executors, Administrators or Assigns, shall have, receive, and enjoy the respective Annuity or Annuities so to be purchased out of the said Rates or Assessments by this Act appointed for Payment thereof as aforesaid, during the natural Life or Lives of the Person or Persons to be nominated by each of such Purchasers as before mentioned ; and that all and every such Purchaser and Purchasers, and their Executors, Administrators, or Assigns, shall have good, sure, absolute and indefeasible Estates and Interests in the Annuity or Annuities so by him, her, or them

Annuities
chargeable on
the Rates.

respectively to be purchased, according to the Tenor and true Meaning of this Act.

Form of
Security.

CIII. And be it further enacted, That all and every the Annuity and Annuities to be purchased and secured under and by virtue of this Act shall be so granted by a Writing on Parchment, and shall be signed by Five of the said Commissioners or Trustees or other Persons as aforesaid, and shall be in the Words or to the Effect following; (that is to say),

Form of
Grant of
Annuity.

WE, whose Names are hereunto subscribed,
being Five of the [*here insert the Name or Title by which the Persons having the Control of the Pavements are correctly designated*] in consideration of the Sum of
of lawful Money of Great Britain, to us in hand paid by A.B. do hereby grant unto the said A. B. an Annuity or yearly Sum of
to be paid out of the Rates or Assessments to be raised, levied, and collected in the said [*parochial or other District, as the Case may be*] made and to be made for or towards the paving or repairing the Pavements of the Streets or public Places within such [*parochial or other District, as the Case may be*] either exclusively or jointly with or for or towards any other Objects or Purposes [*as the Case may be*]; and which Annuity or yearly Sum of shall be
paid to the said A. B. or his or her Assigns, during the Term of his or her natural Life [*or, as the Case may be*] to the said A. B. his Executors, Administrators, and Assigns, upon the
Day of and the
Day of in every Year, by equal half-yearly Payments, and up to the Day of the Death of the said A. B. [*or, as the Case may be*]:
In Witness whereof, we the said [Commissioners or Trustees or other Persons, *as the Case may be*] have hereunto set our Hands the

“Day

No Annuity to be paid or recoverable unless a proper Certificate be produced.

CV. And be it further enacted, That no Annuity or Annuities to be granted and secured under this Act shall be paid and recoverable, unless, upon the Demand of each half-yearly Payment thereof, the Person for whose Life the same shall have been so granted and secured shall personally appear before the respective Treasurer or Treasurers or Clerk or Clerks to the said Commissioners or Trustees or other Persons as aforesaid, or before some Person whom they shall depute for that Purpose, nor unless the Person or Persons entitled to receive such Annuity or Annuities shall then produce or cause to be produced the original Security or Securities for the same; or in case of his or her Non-appearance, the Person or Persons entitled to receive such Annuity, or his, her, or their Attorney or Attornies duly authorized to receive the same, shall produce such Security or Securities and a Certificate to the said Treasurer or Treasurers, or Clerk or Clerks, or other Person as aforesaid, of the Life of such Cestuique Vie, signed by the officiating Minister of the Parish wherein he, she, or they shall be residing, upon the Day when such Annuity became due, or such other Evidence as shall be satisfactory to the said Treasurer or Treasurers, Clerk or Clerks, or other Person as aforesaid, of the Existence of such Cestuique Vie, upon the Day when the said Annuity became due, if such Cestuique Vie shall be then in the United Kingdom of *Great Britain and Ireland*; and in case such Cestuique Vie shall not be within the said United Kingdom, then such other good and sufficient Proof of his or her living upon the Day when each half-yearly Payment of the said Annuity or Annuities shall respectively become due shall be produced to the said Treasurer or Treasurers, Clerk or Clerks, or other Person as aforesaid, as shall be satisfactory to him or them; and it shall not be necessary, in order to render valid the Grant of any such Annuity or Annuities, to enrol or register a Memorial thereof pursuant to the Provisions contained

tained in any Act or Acts of Parliament relating to Annuities, or to any other Act or Acts of Parliament whatsoever.

CVI. Provided always, and be it further enacted, That in case any Annuitant or Annuitants, Nominee or Nominees, to whom and for whose Lives any Annuity or Annuities may be granted from Time to Time under and by virtue of this Act, shall die, it shall and may be lawful for the said Commissioners or Trustees or other Persons as aforesaid from Time to Time and at all Times hereafter to permit any Person or Persons to purchase of them the said Commissioners or Trustees, or other Persons as aforesaid, other and any Annuities upon the Life of such other Person or Persons, upon such Terms and Conditions and payable in such Manner as above mentioned; or in case the said Commissioners or Trustees or other Persons as aforesaid shall call in and pay off any Bonds, Assignments, or Mortgages of the said Rates or Assessments, it shall and may be lawful for them to borrow on similar Bonds, Assignments, and Securities, or by the Sale or Grant of Annuities, other Sum or Sums of Money from Time to Time for the Purposes aforesaid or of this Act.

If Annuitants die, other Annuities may be granted.

CVII. Provided always, and be it further enacted, That all Monies advanced and paid, and all Bonds, Assignments, Securities, and Annuities given and granted under and by virtue of this Act, shall be and be deemed Personal Estate and Effects; and also that the said Commissioners or Trustees, or other Persons as aforesaid for the Time being, signing or executing such Bonds, Mortgages, Assignments or Grants, or any of them, or any other of the said Commissioners or Trustees or other Persons as aforesaid, or the Treasurer or Treasurers, or Clerk or Clerks, or any of them, or their or any of their Estates or Effects, shall in no wise be charged with or responsible, either at Law or in Equity, for the Payment of any of the Monies or Annuities thereby

Annuities to be deemed Personal Estate.

Commissioners, &c. shall not be personally liable.

Securities to
be entered in
a Book.

thereby secured or granted, or mentioned and intended so to be, or any Part thereof.

CVIII. And be it further enacted, That the respective Clerk or Clerks to the said Commissioners or Trustees, or other Persons as aforesaid for the Time being, shall enter in a Book or Books, to be for that Purpose provided and kept by the said Commissioners or Trustees or other Persons as aforesaid, a Copy or Copies or an Extract or Extracts of or from all Securities given for Monies borrowed, and of and from the Grants of all Annuities granted by virtue or in pursuance of this Act; and also of all Assignments of such Securities for Monies borrowed, and of such Grants of Annuities so given or granted as aforesaid; expressing in Words at Length the Names, Surnames, Additions, Places of Abode, and Descriptions of all such Persons who shall from Time to Time be entitled to such Securities and Annuities; and also the Name, Surname, Addition, Place of Abode, and other Description of every Person for whose Life any Annuity or Annuities shall be granted, and the Days whereon the Interest of the said Securities and the said Annuities shall be payable; and which Book and Books the Person and Persons entitled to and possessed of such Securities or Annuities at all seasonable Times may have free Liberty to inspect, or to make or take Extracts or Copies thereof or therefrom, on the Payment of the Sum of Two Shillings and Sixpence to the said Clerk or Clerks for any and every such Inspection.

Commission-
ers may meet
and may have
Offices and
Places where
Strays or
Goods may
be impound-
ed.

CIX. And be it further enacted; That it shall and may be lawful to and for the Commissioners or Trustees, or other Persons having the Control of the Pavements in the Streets or public Places in any parochial or other District within the Jurisdiction of this Act, from Time to Time and at all Times afterwards to assemble and meet together for the Execution of the local Act or Acts of Parliament whereby or by virtue whereof they may have been appointed,

appointed, and of this Act, within their respective parochial or other District or elsewhere, and may adjourn such Meetings from Time to Time as they shall think proper; but that One such General Meeting shall be held at least Once in every Calendar Month, and that Five or more of such Commissioners or Trustees or other Persons shall attend at and be necessary to constitute every such General Meeting; and the Acts, Resolutions, and Proceedings of the Majority present at such Meetings, shall be deemed and considered to be the Acts, Resolutions, and Proceedings of such Meetings; and that such Commissioners or Trustees or other Persons as aforesaid may retain and employ and discharge and pay such Clerks, Surveyors, Inspectors, and other Persons, as they from Time to Time shall deem expedient; and also shall and may deduct and allow to themselves and to each other, and to their Officers and Servants, all Expences necessarily incurred in and about the Execution of any local Act or Acts of Parliament, or of this Act; and also shall and may from Time to Time purchase or rent upon Lease, for a Term or Terms of Years or otherwise, or may erect, furnish, alter, or improve any Houses, Offices, and other Places which they may deem necessary or expedient for their Places of Meeting, or for the Transaction of their official Business, or for the Deposit and safe Custody of their Books, Vouchers, and Documents; and also may purchase or rent upon Lease or otherwise from Time to Time such Place or Places, to be called "The Green Yard," for such parochial or other District, for the Reception, Deposit, and safe Custody of any Article seized and removed by virtue of any local Act or Acts of Parliament, or of this Act, within their respective parochial or other Districts, or of any Horses, Beasts, Cattle, or any Animals or other Things which may be found straying, or which shall be in or about any Streets or public Places within their respective parochial or other District, or which, according to any

any local Act or Acts of Parliament, or to this Act, or to the Common or Statute Law, may be impounded; and may appoint any Person or Persons to inhabit and take Care of such Houses, Offices, and other Places of Meeting, and to have the Custody and Care of such Books, Vouchers, and Documents, and to take Care of and superintend such Places of Deposit as aforesaid; and may appoint the Fees and Charges which shall be paid and payable, and which may be demanded on or for the Deposit and safe Custody of any such Articles so seized, or of any Horses, Beasts, Cattle, Animals, or other Things which shall be there impounded as aforesaid; and that the same Fees and Charges shall be so paid before any such Articles or Things shall be given up or restored to any Persons whomsoever, or shall and may be deducted out of the Proceeds of any Appraisement or Sale of any such Articles and Things, and which may be effected thereof under and by virtue of any local Act or Acts of Parliament, or of this Act.

Notice of Meetings to be given.

CX. And be it further enacted, That the Clerk or Clerks to the said Commissioners or Trustees, or other Persons having the Control of the Pavements in the Streets or public Places in any parochial or other District within the Jurisdiction of this Act, shall, at least One Day previous to any General Meeting of the said Commissioners or Trustees or other Persons as aforesaid, cause a Notice to be left for every such Commissioner or Trustee or other Person at his Dwelling House or Office, or last or usual Place of Abode, in such parochial or other District, of every such General Meeting, and of the Place and Time when and where such General Meeting is intended to be held.

Meetings may be adjourned, if an adequate Number do not attend.

CXI. And be it further enacted, That in case Five Commissioners or Trustees or other Persons as aforesaid shall not attend at any such General Meeting within One Hour after the Time appointed for such Meetings respectively; it shall and may be lawful

ful to and for the Clerk or Clerks to such Commissioners or Trustees or other Persons as aforesaid to declare such General Meeting to be adjourned until a future Time, within Seven Days after such Meeting was appointed to be or ought to have been held, and forthwith to cause Notice of such Adjournment to be left for every such Commissioner or Trustee or other Person having the Control of the Pavements in the Streets or public Places in such parochial or other District within the Jurisdiction of this Act, in Manner herein-before mentioned and directed.

CXII. And be it further enacted, That at each and every General Meeting of the said Commissioners or Trustees, or other Persons having the Control of the Pavements as aforesaid, any One Commissioner or Trustee or other Person then present, who shall be denominated by the Majority of the Commissioners or Trustees or other Persons as aforesaid present at any such Meeting, shall preside at every such Meeting, and take the Chair as Chairman of such Meeting; and in case of an Equality of Votes on any Transaction, including the Vote of the Chairman, the Chairman at such Meeting shall have another or the casting Vote.

At Meetings
a Chairman
to be ap-
pointed.

CXIII. And be it further enacted, That if any Five or more of the Commissioners or Trustees, or other Persons having the Control of the Pavements in the Streets or public Places in any parochial or other District within the Jurisdiction of this Act, shall on any Occasion think it necessary or expedient to call or convene a Special General Meeting of the said Commissioners or Trustees or other Persons, it shall and may be lawful for such Five or more Commissioners or Trustees or other Persons to direct their Clerk or Clerks for the Time being to summon such Special General Meeting of the said Commissioners or Trustees or other Persons respectively, to be assembled at the usual Place of Meeting, and at such Time as the said Five or more Commissioners

Special
General
Meetings
may be con-
vened on
Emergencies.

or

or Trustees or other Persons as aforesaid shall direct, by a Notice specifying the particular Object of such Special General Meeting, and of which Special General Meeting Notice shall be accordingly given by the Clerk or Clerks in the Manner herein-before directed to be given of any General Meeting.

Proceedings
at Meetings
to be entered
in Books,
which shall
be good
Evidence.

CXIV. And be it further enacted, That all Acts, Orders, and Proceedings of the said Commissioners, Trustees, or other Persons as aforesaid at any of their Meetings, shall be entered in a Book or Books to be kept by their Clerk or Clerks for the Time being for that Purpose, and shall be signed by such Clerk or Clerks; and that all such Orders and Proceedings shall then be deemed and taken to be original Acts, Orders, and Proceedings; and such Book or Books shall and may be produced and read as Evidence of all such Acts, Orders, and Proceedings, upon any Appeal or Trial or Information, or any Proceeding Civil or Criminal, and in any Court or Courts of Law or Equity whatsoever; and that it shall not be necessary upon any Appeal or Trial or Information or Proceeding, or upon any Occasion, to prove the Appointment of such Clerk or Clerks; and that within Ten Years after the Date of any such Acts, Orders, and Proceedings, Proof of the Hand-writing of such Clerk or Clerks shall alone be necessary to verify his or their Appointment, and the Accuracy of such Entries of such Acts, Orders, and Proceedings; and that after the Expiration of Ten Years from the Date of any such Acts, Orders, and Proceedings, no other Proof shall be necessary, or shall be required of his or their Appointment, or of the Accuracy of such Entries, than the Production of such Book or Books appearing to be signed by some Person or Persons as the Clerk or Clerks for the Time being; and that any Proof of his or their Hand-writing shall not be necessary, nor shall be required; and also that upon any Appeal or Trial or Information, or other Proceeding Civil or Criminal, and in any Court or

Courts of Law or Equity, a Certificate from the Clerk or Clerks for the Time being, signed by him or them, that any Person or Persons who hath or have acted ~~or~~ may act as Commissioners or Trustees, or other Persons having the Control of the Pavements in any parochial or other District, or as a Surveyor or Surveyors of Pavements, or in any other Office, was or were or is or are one or more of such Commissioners or Trustees or Persons having the Control of the Pavements in such parochial or other District, or was duly appointed to be and was a Surveyor or Surveyors of Pavements, or to such other Office wherein such Person or Persons shall or may have acted, or shall or may act or appear, shall be sufficient and conclusive Evidence of the Appointment and Authority of such Person or Persons, without any other Proof or Evidence whatsoever.

CXV. And be it further enacted, That it shall and may be lawful to and for the said Commissioners or Trustees or other Persons having the Control of the Pavements of the Streets and public Places within the Jurisdiction of this Act, present at any General Meeting, from Time to Time and at all Times hereafter to make such Bye-Laws, Rules, Orders, and Regulations for the better regulating their own Proceedings at any of their General or other Meetings, and of enforcing the good Conduct and Behaviour of the several Officers and Servants employed by the said Commissioners or Trustees, or other Persons as aforesaid, in the Execution of any local Act or Acts of Parliament relating to such parochial or other District, or of this Act, and for the Application of the several Monies that may be levied, collected, or received by virtue of such local Act or Acts of Parliament, or of this Act, to the Purposes thereof; and likewise from Time to Time to vary, alter, amend, or repeal all or any of such Bye-Laws, Rules, Orders, and Regulations, and to fix and appoint all such reasonable Fines and

Bye-Laws
may be made
by Commis-
sioners.

M

Penalties

Penalties for the Breach or Non-performance of any such Bye-Laws, Rules, Orders, or Regulations, or any Part thereof, as to them shall seem proper, so that no such Fine or Penalty shall exceed the Sum of Ten Pounds; and all such Bye-Laws, Rules, Orders, and Regulations when made, and all Alterations, Variations, and Amendments thereof, shall be confirmed at another General Meeting, and being so confirmed shall be printed and be hung up or affixed at the several Places of Meeting of the said Commissioners or Trustees or other Persons as aforesaid; and all such Bye-Laws, Rules, Orders, or Regulations, when so made, confirmed, printed, and affixed, shall be good and binding upon all Persons concerned; provided that the same be not inconsistent with or repugnant to the Laws of that Part of the United Kingdom called *England*, nor inconsistent with or repugnant to the Provisions and Directions in any local Act or Acts of Parliament for such parochial or other District, or in this Act contained; and that any Person or Persons thinking himself or themselves aggrieved thereby shall and may appeal against the same as herein-after is provided; and that all Penalties thereby imposed, if incurred, shall and may be recovered in such Manner as any Penalties imposed by this Act may be recovered by virtue of this Act: Provided always, that no such Bye-Law, Rule, or Regulation, when so made by the said Commissioners or Trustees, or other Persons as aforesaid, and confirmed, printed, and affixed, shall be varied, altered, amended, or repealed, save and except at some Meeting to be holden for that Purpose, of which Meeting and of the Purpose thereof Three Days Notice at the least, with the Name of the Clerk or Clerks to the said Commissioners or Trustees or other Persons thereto, shall be left for each and every Commissioner, Trustee, or other Person as aforesaid, in the Manner directed as to other General Meetings by virtue of this Act.

CXVI. And

CXVI. And be it further enacted, That the said Commissioners or Trustees or other Persons as aforesaid at any of their General Meetings shall and may and they are hereby authorized and empowered from Time to Time to contract or agree with any Person or Persons whomsoever for removing the Dust and Ashes, cleansing, paving, and repairing the Pavement of and within their respective parochial or other District, and for doing and executing all or any of the Works which, under and by virtue of any local Act or Acts of Parliament relating thereto, or of this Act, the said Commissioners or Trustees or other Persons as aforesaid may direct to be done and executed; and also to purchase or provide, either by Contract or otherwise, from Time to Time, such Goods, Materials, and Things whatsoever, as they shall think proper for effectually executing the Powers and Provisions of such local Act or Acts of Parliament or of this Act, and shall pay or order the Payment of the Monies due or to become due upon any such Contracts, Agreements, or Purchases, to the Person or Persons entitled to receive the same, by and out of all or any Monies which shall or may be paid to or received by them by virtue of any such local Act or Acts of Parliament or of this Act, for and towards the Expence of paving and repairing the Pavements of the Streets or public Places within their respective parochial or other Districts, either exclusively or jointly with or for or towards any other Objects or Purposes, or whereof they may be authorized and entitled to dispose.

Commissioners may enter into Contracts.

CXVII. And be it further enacted, That previous to any Meeting of the Commissioners or Trustees, or other Persons as aforesaid, for the making of any such Contracts which they may deem expedient for the better Execution of this Act, Seven Days Notice of such Meeting to make any such Contracts shall be given in Two or more of the public Newspapers published in *London* or *Westminster*, expressing the

Public Notice shall be given of all Meetings for making Contracts.

and Contracts
and Accounts
shall be en-
tered in
Books.

Nature and Objects of each of such Contracts, in order that any Person or Persons willing to contract may make Proposals for that Purpose, to be offered and presented to the said Commissioners or Trustees or other Persons as aforesaid, or to their Clerk or Clerks, at the Time and Place mentioned in such Notice; and also that the Particulars of all such Contracts or Agreements, and all Receipts and Payments by such Commissioners or Trustees or other Persons in the Execution of the said local Act or Acts of Parliament or of this Act, and also Minutes of their Proceedings at all and every of their General Meetings, shall be fairly entered by their Clerk or Clerks, or by his or their Direction, in a Book or Books to be provided for those Purposes, and to be carefully preserved.

Commission-
ers may sue
or compound
for Breaches
of Contracts.

CXVIII. And be it further enacted, That in case any such Contract or Contracts, for any Purpose or Purposes whatsoever, shall have been heretofore or shall be hereafter entered into by any Commissioners or Trustees or other Persons as aforesaid acting in pursuance of any local Act or Acts of Parliament or of this Act, and the Person or Persons who may have entered or who shall hereafter enter into any such Contract or Contracts, shall be guilty of any Breach or Non-performance of any such Contract or Contracts, it shall and may be lawful to and for the said Commissioners or Trustees or other Persons as aforesaid at any of their General Meetings, in case they shall deem it proper and expedient, to declare such Contract or Contracts to be null and void, and such Contract or Contract shall be from thenceforth null and void accordingly; or it shall or may be lawful to and for them to compound for such Sum or Sums of Money with the Person or Persons so having entered into or who shall hereafter enter into such Contract or Contracts, for such Breach or Non-performance of such Contract or Contracts, and for all Costs, Charges, and Expences which have been or shall be occasioned thereby, as
to

to them the said Commissioners or Trustees or other Persons shall appear proper and expedient; or it shall and may be lawful to and for them the said Commissioners or Trustees or other Persons as aforesaid to sue for and to recover the full Penalty or Penalties contained and expressed in any such Contract or Contracts, or in any Bond or Bonds given and executed for the due Performance of such Contract or Contracts, by Action of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster*, in which Action or Actions no Essoign, Protection, Wager at Law, nor more than One Imparance, shall be allowed.

CXIX. And be it further enacted, That it shall be lawful for all and every the Persons possessing or entitled to any Bonds, Mortgages, Annuities, or other Securities affecting or charged upon the said Rates or Assessments for any parochial or other District within the Jurisdiction of this Act, and all Persons rated to the Rates or Assessments to be made for or towards the Expences of paving or repairing the Pavement in any parochial or other District, either exclusively or jointly with or for or towards any other Objects or Purposes, either by virtue of any local Act or Acts of Parliament or of this Act, at all seasonable and convenient Times to peruse and inspect and to make and take Extracts from all Rates or Rate Books, and all other Book or Books, Accounts, Vouchers, Papers, and Writings whatsoever, which shall be kept under any such local Act or Acts of Parliament, or under this Act, in relation to the paving or repairing the Pavements of such parochial or other District, either exclusively or jointly with or for any other Objects or Purposes, in the Custody or Power of the said Commissioners or Trustees or other Persons having the Control of the Pavements for the Time being; and also, that the Clerk or Clerks to the said Commissioners or Trustees or other Persons as aforesaid for the Time being, or One of them, within Twenty Days after

Accounts
and Books
may be exam-
ined.

Demand made thereof in Writing, signed by any one of the Persons before mentioned, and delivered to or left for him or them at his or their usual or last Place of Abode, shall make and deliver or cause to be made and delivered a Copy or Copies of all and every such Book and Books, Accounts, Vouchers, Papers, and Writings whatsoever, or of any Part or Parts thereof, whereof a Copy or Copies shall be so demanded, to the Person or Persons demanding the same, on his or their Application for the same, at any Time after the Expiration of the said Term of Twenty Days, he or they paying for the same, at or before the Delivery thereof, at and after the Rate of Two Shillings and Sixpence for every Three hundred Words contained in such Copy or Copies so demanded and delivered as aforesaid, every Figure in such Copy or Copies being calculated as a Word; and in case any such Clerk shall at any Time refuse or wilfully neglect to make and deliver or cause to be made and delivered such Copy or Copies of all and every such Book and Books, Accounts, Vouchers, and Papers, and of every Part thereof respectively, to the Person or Persons demanding the same, on Application for the same, after Twenty Days from the Day of the Demand thereof as aforesaid, on Payment for the same as aforesaid, then every such Clerk shall for every Refusal or Neglect forfeit and pay the Sum of Twenty Pounds; One Moiety thereof to the Treasurer or Treasurers to the Commissioners, Trustees, or other Persons as aforesaid for the Time being, and the other Moiety to any Person or Persons who shall sue for the same in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, wherein no Essoign, Protection, Wager of Law, nor more than One Imparance, shall be allowed.

Actions may
be brought
and defended
in the Name
of the Clerks.

CXX. And be it further enacted, That the said Commissioners or Trustees or other Persons having the Control of the Pavements in any Streets or public Places in any parochial or other District within

within the Jurisdiction of this Act, may sue and be sued in the Name of their respective Clerk or Clerks for the Time being ; and that all Actions or Suits tha the said Commissioners or Trustees, or other Persons having the Control of the Pavements in any Streets or public Places in any such parochial or other District, may at any Time or Times hereafter direct to be brought for the Recovery of any Penalty or Rates, or any other Sum or Sums of Money from Time to Time or at any Time due or payable from or by any Water or Gas Companies, or Commissioners of Sewers, or any other Person or Persons, due or payable by virtue of any local Act or Acts of Parliament relating to their respective parochial or other District, or of this Act, or for or in respect of any other Matter or Thing relating to such local Act or Acts of Parliament or to this Act, may be brought in the Name of such Clerk or Clerks respectively for the Time being, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, Bill, Plaint, or Information, in which no Effoign, Protection, or Wager of Law, or more than One Impar lance, shall be allowed ; and in which Action or Actions it shall be sufficient for the Clerk or Clerks as such Plaintiff or Plaintiffs to declare that the Defendant or Defendants is or are indebted to him or them as such Clerk or Clerks in the Sum of Ten Shillings, (or such other Sum as the Clerk or Clerks shall suppose to be then due or forfeited), for so much Money before then owing (forfeited or Fine set, as the Case may be) from or by the Defendant or Defendants to the said Clerk or Clerks by virtue of such local Act or Acts, or either of them, relating to his or their respective parochial or other District, or by virtue of this Act, (as the Case may be, and mentioning the Titles of such Act or Acts respectively) ; and if the Plaintiff or Plaintiffs shall recover in any such Action or Actions, he or they shall have full Costs, to be levied and recovered as other Monies upon Judgments

may now by Law be levied and recovered; and that no Action or Suit which may be brought, commenced, or prosecuted by or against the said Commissioners or Trustees or other Persons having the Control as aforesaid, or any of them, by virtue or on account of such local Act or Acts of Parliament, or of this Act, in the Name of such their respective Clerk or Clerks, shall abate or be discontinued by the Death, Suspension, or Removal of such Clerk or Clerks, or by any Act or Default of such Clerk or Clerks done or suffered without the Consent or Direction of the said Commissioners or Trustees or other Persons as aforesaid; but the Clerk or Clerks to the said Commissioners or Trustees or other Persons for the Time being shall be always deemed Plaintiff or Defendant in every such Action or Suit (as the Case may be), except in such Action or Actions as shall be prosecuted between the said Commissioners or Trustees or other Persons and their respective Clerk or Clerks for the Time being; in which Action or Suit any One of the said Commissioners or Trustees or other Persons having the Control as aforesaid, shall or may be Plaintiff or Defendant (as the Case may be): Provided always, that every such Clerk or Clerks or other Person in whose Name any Action or Suit shall be commenced, prosecuted, or defended in pursuance of this Act, shall always be reimbursed and paid, out of the Monies to arise by virtue of any such local Act or Acts towards the Expences of paving or repairing the Pavements of the Streets or public Places in any such parochial or other District, either exclusively or jointly with or for any other Objects or Purposes, or of this Act, all such Costs, Charges, and Expences as he or they shall be put to or become charged or chargeable with by reason of his or their being so made Plaintiff or Plaintiffs, Defendant or Defendants therein; but no such Clerk or other Person shall be personally answerable or liable for the Payment of the same or any Part
of

of the same, unless such Action or Suit shall have been brought or commenced, or the Defence of such Action or Suit shall be commenced, without the Order or Direction of the said Commissioners or Trustees or other Persons, or shall be prosecuted, carried on, and continued contrary to their Approbation and Consent.

CXXI. And be it further enacted, That in any Action, Prosecution, Information, Appeal, Cause, Suit, Hearing, Examination, or Proceeding whatsoever, relating to or concerning the Execution of any local Act or Acts of Parliament relating to any parochial or other District within the Jurisdiction of this Act, or relating to or concerning any Rate or Assessment made or to be made upon any Person or Persons in respect of any Property in any such parochial or other District, or in anywise touching, concerning, or relating to any such parochial or other District within the Jurisdiction of this Act, any Inhabitant or Owner or Occupier of Property in any Part of any such parochial or other District may be a competent Witness, and shall be admitted to give Evidence, notwithstanding he might be interested for and on behalf of such parochial or other District, or might or is or then or thereafter should be charged with or liable to pay any Rate or Assessment to be raised, levied, and collected within any such parochial or other District by virtue of any local Act or Acts of Parliament or of this Act, or by any other Authority whatsoever.

Inhabitants
may be Wit-
nesses.

CXXII. And be it further enacted, That if any Person or Persons shall at any Time or Times hereafter in any Manner whatsoever wilfully obstruct, hinder, or molest any Commissioners or Trustees or any other Persons having the Control of the Pavements in any Streets or public Places in any parochial or other District within the Jurisdiction of this Act, or any Surveyor or Surveyors of Pavements, or any other Officer or Officers, Person or Persons whomsoever, who are or shall be appointed

Commission-
ers and Sur-
veyors not to
be obstructed
in Perform-
ance of their
Duty.

or

or employed to put in Execution this Act or any local Act or Acts of Parliament by the said Commissioners or Trustees or other Persons having the Control of the Pavements of the Streets and public Places in any such parochial or other District within the Jurisdiction of this Act, in the Performance or Execution of his or their Duty, then every Person or Persons so offending shall for the First Offence forfeit the Sum of Five Pounds, and for the Second Offence the Sum of Ten Pounds, and for the Third or any subsequent Offence the Sum of Twenty Pounds, to be recovered in the same Manner in which other Penalties are herein-after directed to be recovered by virtue of this Act.

Justices may proceed on Complaint of Commissioners.

CXXIII. And be it further enacted, That in all Cases where one or more Justice or Justices of the Peace is or are or may be empowered by Law to proceed on the Complaint of the Commissioners or Trustees, or other Persons having the Control of the Pavements in any Streets or public Places in any parochial or other District within the Jurisdiction of this Act, or any of them, it shall and may be lawful for such Justice or Justices of the Peace, and he and they is and are hereby required, to proceed on the Complaint of any One of the said Commissioners or Trustees or other such Persons, or of their Surveyor or Surveyors of the Pavements, or of their Clerk or Clerks for the Time being, or any of them, or of any Person or Persons whom they or any Two or more of them by Writing under their Hands shall appoint for that Purpose, in such and the like Manner to all Intents and Purposes as if such Complaint had been made by such Commissioners or Trustees or other such Persons as aforesaid, or any or all of them.

Two Commissioners may act where a greater Number is

CXXIV. And be it further enacted, That in every Case wherein no particular Number of Commissioners or Trustees, or other Persons having the Control of the Pavements in any Streets or public Places in any parochial or other District within the

Jurisdiction of this Act, are by any local Act or Acts of Parliament relating to such parochial or other District, or by this Act, stipulated and required to be necessary to perform any Act, Matter, or Thing by such local Act or Acts of Parliament or by this Act required or directed to be done and performed, that all and every such Act, Matter, and Thing may be legally and effectually done, executed, and performed by any Two or more of such Commissioners or Trustees or other Persons having the Control for the Time being of the Pavements in the Streets or public Places in the particular parochial or other District for which they are appointed or empowered to act; any thing in such local Act or Acts of Parliament or in this Act to the contrary notwithstanding.

not required
by any local
Act or by
this Act.

CXXV. And be it further enacted, That any Justice of the Peace in and for any City, Borough, or County within the Jurisdiction of this Act, shall and may do any Act or Deed relative to the Office of the Justice of the Peace directed by this Act, or by any local Act or Acts of Parliament relating to any parochial or other District therein or otherwise, notwithstanding he shall or may at the same Time be a Commissioner or Trustee or other Person having the Control of the Pavements in the Streets and public Places in any parochial or other District within such City, Borough, or County, and shall and may act in the Execution of this Act or of any local Act or Acts of Parliament, or at any Sessions, or upon any Summons, Appeal, or other Proceeding whatsoever relating to any parochial or other District within the Jurisdiction of this Act, notwithstanding he shall then be an Inhabitant of any such parochial or other District within the Jurisdiction of this Act, or shall pay or may be then or thereafter liable to pay any Rates or Assessments charged or to be charged upon any Owners or Occupiers of Property in any parochial or other District within the Jurisdiction

Justices may
act although
Commission-
ers.

Justices may
make Allow-
ance to In-
formers out
of Penalties
which are to
be applied to
Purposes of
the Act.

diction of this Act ; any Law, Statute, or Usage to the contrary notwithstanding.

CXXVI. And be it further enacted, That it shall be lawful for the Justice or Justices of the Peace before whom any Offender or Offenders shall be convicted of any Offence against this Act, or against any local Act or Acts of Parliament relating to any parochial or other District within the Jurisdiction of this Act, or against any Bye-law, Rule, or Order made in pursuance of any such local Act or Acts or of this Act, and he and they are hereby required, by and with the Direction or Consent of the Commissioners or Trustees or other Persons having the Control of the Pavements in any such parochial or other District, or of their Clerk or Clerks, or Surveyor or Surveyors of the Pavements for the Time being, or of any Person appointed by them or any of them, to allow and pay or to order the Allowance and Payment of such Part of any Fine, Penalty, or Forfeiture which shall be imposed upon and shall be received of any such Offender or Offenders convicted before him or them of any such Offence as aforesaid (unless herein otherwise directed), not exceeding One-half Part thereof, as the said Commissioners or Trustees or other Persons as aforesaid, or their Clerk or Clerks, or Surveyor or Surveyors of the Pavements as aforesaid, or any of them, shall direct or approve, unto the Informer or Informers against such Offender or Offenders, in such Shares and Proportions as to such Justice or Justices shall seem meet ; and that the Remainder of such Fine, Penalty, or Forfeiture (unless herein otherwise directed as aforesaid), shall be paid to and shall belong to the Treasurer or Treasurers for the Time being to the Commissioners or Trustees or other Persons having the Control of the Pavements in the parochial or other District wherein any such Offence shall have been or shall appear to have been committed, or to such other Person or Persons or Company as
the

the said Commissioners or Trustees or other Persons shall from Time to Time appoint to receive the same, and to be applied towards the Costs and Charges of such Commissioners or Trustees or other Persons, and of paving and repairing the Pavements within any such parochial or other District ; any other Act, Usage, or Custom to the contrary notwithstanding.

CXXVII. And be it further enacted, That in all Appeals, Hearing, or other Cases where the Commissioners or Trustees or other Persons having the Control of the Pavements in any Streets or public Places in any parochial or other District within the Jurisdiction of this Act, or any Justice or Justices of the Peace, is or are by any local Act or Acts of Parliament, or by this Act, shall or may be authorized or required, or shall deem it necessary or expedient, to examine any Person or Persons on Oath or Affirmation, it shall be lawful for such Commissioners or Trustees or other Persons, or for such Justice or Justices of the Peace respectively, and they and he are and is hereby respectively authorized and required to administer an Oath or Affirmation to any such Person or Persons, and also may require the Production of any Deeds, Instruments, or Papers in the Custody or Power of any Person or Persons appealing to them or him, which in their or his Judgment may be necessary to illustrate the Subject of any such Appeal ; and that if any Person or Persons, being so sworn, or having solemnly affirmed, shall upon his, her, or their Examination upon Oath or Affirmation before the said Commissioners or Trustees, or other Persons, or before any Justice or Justices respectively, or any of them, wilfully and corruptly give false Evidence, such Person or Persons so offending, and being thereof duly convicted, shall be and is or are hereby declared to be subject and liable to such Pains and Penalties to which by any Law then in being any Person or Per-

Persons wilfully and corruptly giving false Evidence upon Oath, guilty of Perjury.

sons

Justices may
compel the
Attendance
of Witnesses.

sons would be subject and liable who should be convicted of wilful and corrupt Perjury.

CXXVIII. And be it further enacted, That it shall and may be lawful to and for any Justice or Justices of the Peace who is and are made competent, empowered, or required to hear and determine any Complaint or Matter under or by virtue of any local Act or Acts of Parliament relating to any parochial or other District within the Jurisdiction of this Act, or under and by virtue of this Act, to issue a Summons under his or their Hand and Seal or Hands and Seals to any Person or Persons whomsoever to attend as a Witness or Witnesses, and to give Evidence upon Oath or solemn Affirmation before any such Justice of the Peace touching any Matter of Fact contained in any Information or Complaint for any Offence against any such local Act or Acts of Parliament, or against this Act, or against any Bye-law, Rule, or Order made in pursuance thereof, whether on the Part of the Prosecutors or Informers, or Commissioners or Trustees, or other Persons having the Control of the Pavements in any such parochial or other District, or of the Person or Persons complained of, and which Summons such Justice or Justices as aforesaid are hereby required to issue, if thereunto required; and if such Person or Persons so summoned as aforesaid, upon being paid or tendered such Sum for his or their Costs and Charges, Trouble and Attendance, as the said Justice or Justices shall think reasonable, shall refuse or neglect to appear at the Time and Place to be for that Purpose appointed, without such Excuse for such his, her, or their Refusal or Neglect as shall be approved of by such Justice or Justices, or appearing shall refuse to be examined on Oath or solemn Affirmation, or to give Evidence before such Justice or Justices, then and in every such Case every such Person shall forfeit for every such Offence any Sum not being less than Five Pounds

nor

nor exceeding the Sum of Ten Pounds, to be also recovered in the Manner herein-after directed by virtue of this Act.

CXXIX. And be it further enacted, That all Notices, Summonses, Documents, Demands, and Accounts, which are directed and required to be given by any local Act or Acts of Parliament relating to any parochial or other District, within the Jurisdiction of this Act, or by this Act, or which are or may be directed or required to be given by any Bye-law, Rule, or Order to be made in pursuance thereof, or of any of them, or which shall or may be necessary for carrying into Execution any of the Powers of any such local Act or Acts or this Act, or any or either of such Bye-laws, Rules, or Orders, of which the Manner of serving the same is not particularly directed by such local Act or Acts or by this Act, shall be printed or written, or partly printed and partly written, and shall or may be served, either by delivering the same personally to the Person or Persons, or one of them, to whom such Notices, Summonses, Demands, and Accounts respectively are to be given, or by leaving the same at his, her, or their usual or last known Warehouse or Warehouses, Manufactory or Manufactories, Office or Offices, Counting-house or Counting-houses, or with any of his or their Partners, Tenants, Clerks, or Servants, at his or their last or usual known Place or Places of Abode, or at or upon any Tenements, Premises, or Hereditaments belonging to or occupied by any such Person or Persons, or whereunto any such Notices, Summonses, Documents, Demands, or Accounts may relate.

Direction as
to Service of
Notices.

CXXX. And be it further enacted, That all Penalties, Forfeitures, and Fines by any local Act or Acts of Parliament relating to any parochial or other District within the Jurisdiction of this Act, or by this Act inflicted or imposed, or authorized to be imposed (the Manner of levying and recovering
whereof

Fines and Penalties how to
be recovered.

whereof is not in such Act or Acts of Parliament or herein otherwise directed), upon Proof of the Offences respectively, within Three Calendar Months after such Offences respectively shall have been or shall be committed, before any One or more Justices of the Peace for the City, Borough, or County wherein the parochial or other District within the Jurisdiction of this Act shall be situate wherein any such Offence shall have been committed, or shall be charged or shall appear to have been committed, either by Confession of the Party or Parties offending, or by the Information of One or more Witnesses or Witnesses upon Oath or Affirmation (which Oath and Affirmation such Justice or Justices of the Peace is and are hereby empowered and required to administer without Fee or Reward, and the Informer and Informers are hereby declared to be and is and are hereby rendered in any and every such Case a competent Witness or competent Witnesses), shall be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending by Warrant or Warrants under the Hand and Seal or Hands and Seals of such Justice or Justices, which Warrant or Warrants such Justice or Justices is and are hereby empowered and required to grant; and the Penalties and Forfeitures when recovered (rendering the Overplus, if any there be, after deducting all the Costs, Charges, and Expences of any Summonses, Informations, Complaints, Hearings, Warrants, and of such Distress, and the Keeping, Appraisement, or Sale thereof, or otherwise relating thereto, unto the Person or Persons whose Goods and Chattels shall be so distrained and sold) shall be paid as herein-before directed to the Treasurer or Treasurers for the Time being to the Commissioners or Trustees, or other Persons having the Control of the Pavements in any such parochial or other District, or to such Person or Persons or Company as they shall from Time to Time appoint as aforesaid to receive the same; and to be applied as herein-before is directed, and

and subject to the Powers of rewarding Informers herein-before contained; and in every such Case where Distress is directed to be made, levied, or taken by any such local Act or Acts of Parliament or by this Act, and sufficient Distress shall not be found, and such Penalties, Forfeitures, and Fines, and Costs, Charges, and Expences, shall not be forthwith paid, it shall and may be lawful for such Justice or Justices of the Peace, and he and they is and are hereby authorized and required, by Warrant or Warrants under his or their Hand and Seal or Hands and Seals, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction of the City, Borough, or County aforesaid, there to remain without Bail or Mainprize for any Time not exceeding Six Calendar Months, unless such Penalties, Forfeitures, or Fines, and all such Costs, Charges, and Expences attending on or occasioned by any such Offence, or any Summonses, Informations, Complaints, Hearings, Warrants, or of such Distress, and the Keeping, Appraisement, or Sale thereof, or otherwise relating thereto, shall be sooner paid and satisfied; and also that any one Justice of the Peace may and is hereby required to act in any and every Case in which the Concurrence of Two Justices of the Peace shall not be expressly required by any such local Act or Acts of Parliament, or by this Act: Provided always, that no Penalty, Forfeiture, or Fine inflicted or imposed or authorized to be imposed by virtue of this Act, shall become due or be incurred by any Persons whomsoever for any Offence or Offences under or against this Act, unless such Offences shall have been committed after the Expiration of One Calendar Month from the passing of this Act.

CXXXI. And be it further enacted, That all and every Justice or Justices of the Peace, before whom any Person or Persons shall be convicted of any Offence against any local Act or Acts of Parliament relating to any parochial or other District within

Form of
Conviction.

the Jurisdiction of this Act, or against this Act, shall and may cause the Conviction to be drawn up in the following Words, or any other Form of Words to the same Effect; (that is to say),

‘ **B**E it remembered, That on this
 ‘ Day of _____ in the Year of our Lord
 ‘ *A. B.* is duly convicted before
 ‘ of His Majesty’s
 ‘ Justices of the Peace for the City, Borough, or
 ‘ County, *as the Case may be*, of having [*here*
 ‘ *state the Offence, as the Case may be*] contrary
 ‘ to the Form of a Statute [*or* of certain Statutes,
 ‘ *as the Case may be*], in that Case made and pro-
 ‘ vided: And I [*or* we, *as the Case may be*] do de-
 ‘ clare and adjudge that the said *A. B.* hath for-
 ‘ feited for his or her [*as the Case may be*] said
 ‘ Offence the Sum of _____ and also the Sum of
 ‘ _____ for the Costs, Charges, and Expences
 ‘ already incurred thereabouts. Given under my
 ‘ Hand [*or* Hand and Seal, *or* our Hands, *or* our
 ‘ Hands and Seals, *as the Case may be*], the Day
 ‘ and Year first above written.’

is not
 deemed
 ful for
 of
 ;

CXXXII. And be it further enacted, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of any local Act or Acts of Parliament relating to any parochial or other District within the Jurisdiction of this Act, or by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in any Proceedings relating thereto; nor shall the Party or Parties be deemed a Trespasser or Trespassers *ab initio* on account of any Irregularity which shall be afterwards done by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity may recover full Compensation for the special Damage incurred by an Action on the Case: Provided always, that no Plaintiff or Plaintiffs shall recover in
 any

plaintiff
 recover

any such Action on the Case, or in any Action commenced against any Person or Persons for any thing done in pursuance of any local Act or Acts of Parliament relating to any parochial or other District within the Jurisdiction of this Act, or in pursuance of this Act, unless such Action shall be commenced within Twenty-eight Days after any alleged Irregularity, Trespass, or wrongful Proceeding shall be done, nor unless Notice in Writing of such intended Action shall have been given to the Clerk or Clerks of the Commissioners or Trustees or other Persons having the Control of the Pavements in any such parochial or other District, or left at his or their last or usual Place or Places of Abode, Twenty-one Days before such Action shall be commenced, signed by the Attorney for the intended Plaintiff or Plaintiffs, specifying the Cause or Causes of such Action; nor shall any Plaintiff or Plaintiffs recover in such Action for Satisfaction for special Damage or otherwise, or for any such Irregularity, Trespass, or other Proceedings, if Tender of sufficient Amends shall be made by or on the Behalf of the Party or Parties who shall have committed or caused to be committed every or any such Irregularity, Trespass, or wrongful Proceeding, before such Action shall be brought; and in case no such Tender shall have been made, it shall and may be lawful for the Defendant or Defendants in any such Action, by Leave of the Court where such Action shall depend, at any Time before Issue be joined in such Action, to pay into such Court such Sum of Money as he, she, or they shall think fit; whereupon such Proceedings or Order and Judgment shall be had, made, or given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court; and that if the Plaintiff or Plaintiffs in any such Action or Actions shall be nonsuited, or suffer a Discontinuance of such Action, or if upon a Demurrer or Verdict or otherwise, Judgment shall be given for or shall be obtained by the

if adequate
Amends have
been ten-
dered.

Defendant or Defendants in any such Action, then and in every such Case the Plaintiff or Plaintiffs shall be liable and subject to the Payment to the Defendant or Defendants of Treble Costs ; and the Defendant or Defendants shall have all and every such Remedies for recovering the same, as any Defendant may have by Law for the Recovery of Costs in any other Case.

Persons ag-
grieved may
appeal ;

CXXXIII. Provided always, and be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Conviction or Order of any Justice or Justices of the Peace acting in and for any City, Borough, or County within the Jurisdiction of this Act, for any Offence committed against any local Act or Acts of Parliament relating to any parochial or other District within the Jurisdiction of this Act, or against this Act, it shall and may be lawful to and for such Person or Persons to appeal to the next General or Quarter Sessions of the Peace for such City, Borough, or County, provided the same shall not be held within Seven Days after such Conviction or Order shall be made, and then to the General or Quarter Sessions of the Peace for such City, Borough, or County then next succeeding ; and also if any Person or Persons shall think himself, herself, or themselves aggrieved by any Rate or Rates, Assessment or Assessments, made or to be made for or towards the Expences of paving or repairing the Pavements of the Streets or public Places in any parochial or other District within the Jurisdiction of this Act, either exclusively or jointly with or for or towards any other Objects and Purposes, or by any By-law, Rule, or Order made or to be made in pursuance of any such local Act or Acts of Parliament, or in pursuance and by virtue of this Act, or by any other Matter or Thing done or directed to be done in pursuance of such local Act or Acts of Parliament, or of this Act, then such Person or Persons shall apply for Relief to the Commissioners or Trustees

Trustees or other Persons having the Control of the Pavements for such parochial or other District for which such Rate or Assessment shall then have been made, or by whom any such Bye-law, Rule, or Order, or other Matter or Thing, shall have been made or done or directed to be done, at any Meeting to be held within Thirty Days next after the making of any such Rate or Rates, Assessment or Assessments, or next after any such Matter or Thing done and committed by or by an Order of the said Commissioners or Trustees or other Persons, by which such Person or Persons shall think himself, herself, or themselves aggrieved; and the said Commissioners, Trustees, or other Persons, are hereby authorized and empowered to give such Relief in the Premises as to them shall seem necessary; and if such Person or Persons shall not be satisfied with the Determination of such Commissioners, Trustees, or other Persons, or the said Commissioners, Trustees, or other Persons, shall neglect within Thirty Days after such Application to determine or to give Notice of such Determination to the Person or Persons so applying for Relief, then and in either of such Cases he, she, or they may appeal to a Quarter or General Sessions of the Peace to be holden for the City, Borough, or County within which such parochial or other District shall be situate, within Four Calendar Months next after such Application to the said Commissioners, Trustees, or other Persons; but that in all and every such Case of Appeal every such Appellant, unless he, she, or they shall be Commissioners or Trustees, or other Persons having the Controul of the Pavements as aforesaid, or their Clerk or Clerks, or Surveyor or Surveyors of the Pavements for the Time being, or some Person or Persons appointed by them, and whether such Appeal shall be against any Conviction or Order of any Justice or Justices of the Peace, or against any Rate or Assessment, or against any Bye-law, Rule, Order, Matter or Thing made or done or

directed to be done by the said Commissioners or Trustees or other Persons, shall first give or cause to be given Fourteen Days Notice at least in Writing of his, her, or their Intention to bring such Appeal, and of the Matter thereof, signed by every such Appellant, and specifying his, her, or their true Residence and Trade or Profession, to the Clerk or Clerks to the said Commissioners, Trustees, or other Persons having the Control of the Pavements as aforesaid, by delivering such Notice to him or them, or by leaving such Notice for him or them at his or their last or usual Place or Places of Abode, and within Three Days next after the Service of such Notice shall enter into a Recognizance before One of His Majesty's Justices of the Peace for the said City, Borough, or County, with Two sufficient Sureties, in the Sum of Fifty Pounds, conditioned to try such Appeal, and to abide the Order of and to pay such Costs, as shall be awarded by the Justices at such Quarter or General Sessions of the Peace for the said City, Borough, or County; and the said Justices at such General or Quarter Sessions, upon due Proof of such Notice being given as aforesaid, and such Recognizance being entered into, in such Cases in which such Notice and Recognizance are hereby directed and required, shall hear and determine the Causes and Matters of such Appeal in a summary Way, and award such Costs to the Parties appealing or appealed against as they the said Justices shall think proper; and in all Cases wherein the Appeal shall relate to the Provisions contained in this Act for compelling speedy and effectual Reparation of imperfect Pavement, the said Justices at such General or Quarter Sessions shall award full Costs to the Party in whose Favour they shall decide and determine, to be allowed as between Solicitor and Client, and to be settled by the Clerk of the Peace for such City, Borough, or County for the Time being; and the Determination of such Justices at their Quarter or General Sessions shall

and on Appeals by Commissioners as to the Reparation of Pavements, full Costs are to be awarded.

shall be final, binding, and conclusive; and that the Recognizances of any Party disobeying, or refusing or neglecting to obey, any Order which may be made by such Justices, shall be forfeited, and that every such Party shall be guilty of a Misdemeanor; and that if any Costs awarded by them, when so settled by the said Clerk of the Peace, shall not be forthwith paid, then Double the Amount thereof may be recovered by an Action of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster*, wherein no Effoign, Protection, or Wager of Law, or more than One Imparlance, shall be allowed; and that the Payment of any Rate or Assessment shall not be suspended or delayed in consequence of any such Notice of Appeal, or whilst such Appeal may depend, but that the same and every Part thereof shall and may be demanded, collected, and recovered in such and the same Manner as if no such Notice of Appeal had been given.

CXXXIV. And be it further enacted, That all and every the Recognizance and Recognizances entered into by any Person or Persons relating to any Appeal as aforesaid, shall be delivered on Demand to the Clerk or Clerks for the Time being to the Commissioners or Trustees or other Persons having the Control of the Pavements in any parochial or other District within the Jurisdiction of this Act, as to which such Appeal shall relate, by the Justice or Justices who shall have taken the same; and that the Commissioners or Trustees, or other Persons having the Control of the Pavements of such parochial or other District, shall and may sue for, recover, and receive the Penalty and Penalties, or Sum and Sums mentioned in any such Recognizance or Recognizances, either in such and the same Manner as any Rate, Penalty, or Fine may be sued for and recovered by virtue of any local Act or Acts of Parliament relating to any such parochial or other District, or by virtue of this Act, or by Action or

Justices to deliver Recognizances to the Clerk to the Commissioners, &c.

Actions of Debt or on the Case, or other Action or Actions in any of His Majesty's Courts of Record at *Westminster*, with full Costs of Suit; and that in any such Action or Actions no Effoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Proceedings
not to be
quashed on
formal Ob-
jections;

CXXXV. And be it further enacted, That no Rate or Rates, Assessment or Assessments, nor any Proceeding to be had touching the Conviction of any Offender or Offenders against this Act, or any Order made, or any other Matter or Thing to be done or transacted in or about the Execution of any local Act or Acts of Parliament relating to any parochial or other District within the Jurisdiction of this Act, or in or about the Execution of this Act, or in pursuance or by virtue thereof, shall be vacated or quashed for want of Form; but that any Rate or Assessment, or any Matters of Form in any Conviction, Order, Proceeding, or other Matter and Thing, may be amended, as the Justices at any General or Quarter Sessions of the Peace for such City, Borough, or County may order and direct; nor shall any Rate, Proceeding, Conviction, Order, Matter, or Thing be removed or removable by *Certiorari*, or by any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere; any Law, Statute, or Usage to the contrary notwithstanding.

nor removable
by *Certiorari*.

Limitation
of Actions.

CXXXVI. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any thing done in Execution or pursuance of any local Act or Acts of Parliament relating, either exclusively or jointly with any other Objects or Purposes, to the Pavement of any parochial or other District within the Jurisdiction of this Act, until after Twenty-one Days Notice in Writing, signed by the Person or Persons intending to bring such Action or Suit, and specifying his or their real Residence, and his or their Trade or Profession, shall be thereof given to the Clerk or Clerks to the

said

said Commissioners or Trustees, or other Persons having the Control of the Pavements in any parochial or other District within the Jurisdiction of this Act, wherein any Fact may be committed, or for which such Action or Suit may be brought; nor after sufficient Satisfaction shall be made or tendered, nor after Three Calendar Months next after the Fact may be committed for which such Action or Suit shall be so brought; and all such Actions or Suits shall be laid and tried in the County of *Middlesex* or City of *London*, and not in any other County, City, or Place; and that the Defendant or Defendants in such Action or Actions, Suit and Suits, and every of them, may plead the General Issue, and give any local Act or Acts of Parliament relating to any such parochial or other District, or this Act, and the special Matter, in Evidence at any Trial or Trials which shall be had thereupon, and that the Matter or Thing for or on which such Action or Suit shall be brought was done in pursuance and by the Authority of any such local Act or Acts, or of this Act; and if the said Matter or Thing shall appear to have been so done, or if it shall appear that such Action or Suit was brought before Twenty-one Days Notice was given as before directed, or that sufficient Satisfaction was made or tendered or paid into Court as aforesaid, or if any such Action or Suit shall not be commenced within the Time before for that Purpose limited, or shall be laid in any other County, City, or Place than as aforesaid, then the Jury shall find for the Defendant or Defendants therein; and if a Verdict shall be found for such Defendant or Defendants, or if the Plaintiff or Plaintiffs in such Action or Suit shall become nonsuited, or suffer a Discontinuance of such Action or Suit, or if upon a Demurrer or Demurrers in such Action or Suit, or upon a Verdict or otherwise, Judgment shall be given for the Defendant or Defendants therein, then and in either of the Cases aforesaid such Defendant or Defendants shall have
Treble

Treble Costs, and shall have such Remedies for recovering the same as any Defendant may have for the Recovery of Costs in other Cases by Law.

CXXXVII. Provided always, and be it further enacted, That all and every the Clauses, Provisions, Articles, Matters, and Things in this Act contained, and appertaining or relating to any Commissioners or Trustees having the Control of the Pavements in any Streets or public Places in any parochial or other District within the Jurisdiction of this Act, shall and extend and apply to, and all the Powers, Privileges, Indemnities, and Authorities hereby conferred upon them shall and may be exercised and enjoyed by all and every other Persons having the Control of the Pavements in the Streets or public Places in any parochial or other District within the Jurisdiction of this Act, under and by virtue of any local Act or Acts of Parliament or otherwise, and howsoever such Persons having such Control may be designated, entitled, and distinguished in and by such local Act or Acts of Parliament or otherwise, and whether they be so designated, entitled, and distinguished as Vestrymen, Committees, Courts, or otherwise: any thing contained in such local Act or Acts to the contrary notwithstanding; and that they and every of them shall and may have, exercise, and enjoy all such Powers, Privileges, Indemnities, and Authorities in such and the same Manner as if every such public Body and such Persons was or were distinctly and separately enumerated, nominated, and set forth in this Act, and in every Clause, Matter, and Provision herein contained.

CXXXVIII. Provided also, and be it enacted, That neither any Act or Acts of Parliament relating either exclusively to the paving or repairing the Pavements of the Streets or public Places in any parochial or other District within the Jurisdiction of this Act, or relating thereto jointly with any other Object or Purpose, nor any Clause, Matter, or Provision therein contained, shall be hereby repealed;

pealed; but that the Commissioners, Trustees, or other Persons by any such local Act or Acts of Parliament vested with the Control or Superintendence of the Pavement of the Streets and public Places in every such parochial or other District, shall retain and may exercise all and every the Powers and Authorities by all and every such local Act and Acts of Parliament conferred upon them or any of them; and that they may from Time to Time and at all Times, either act under and upon all or any of the Provisions, Clauses, Powers, and Authorities of such Act or Acts of Parliament, or under any of the Provisions, Clauses, Powers, and Authorities of this Act, as they from Time to Time, upon each Emergency or each particular Occasion, may think proper and deem most expedient; but subject nevertheless to all the Provisions contained in this Act as to the Appointment of Surveyors of the Pavement in every parochial or other District, and as to the Means hereby provided for compelling the speedy and effectual Reparation of imperfect Pavement in all Streets and public Places within the Jurisdiction of this Act, and the Regulation and Improvement of such Streets, and Removal and Prevention of Nuisances and Obstructions, according to the Provisions of this Act.

CXXXIX. Provided also, and be it further enacted, That neither this Act, nor any Enactment, Clause, Provision, Matter, or Thing herein contained, shall extend or be construed to extend to the Estate of The Most Honourable The Marquis *Camden*, situate and being in the Parish of *Saint Pancras* in the County of *Middlesex*, but that the same shall be completely and entirely exempted therefrom; any thing herein contained to the contrary thereof in anywise notwithstanding.

CXL. Provided also, and be it further enacted, That neither this Act, nor any Enactment, Clause, Provision, Matter, or Thing herein contained, shall extend or be construed to extend to the Estate of the

Provisions of
the Act not
to affect the
Estate of the
Marquis
Camden in
Saint Pan-
cras:

Nor the
Estate of
Lord Som-
mers;

the Right Honourable John Somers Lord Somers, knight and being in the Parish of *Saint Pancras* in the County of *Middlesex*, but that the same shall be complete and entire amongst themselves; any thing herein contained to the contrary thereof in anywise notwithstanding.

Not to
be construed
as to
the
words of
the
Act.

Provided also, and be it further enacted and enacted, That the several Powers and Authorities by the Act granted shall not extend or be construed to extend to create any Parishes or Parishes whatsoever to have any Control, Right, Power, or Authority over the Sewers and other Works now under the Control and Direction of the Commissioners of Sewers for the City and Liberty of *Westminster* and Part of the County of *Middlesex*, or for the Limits extending from *East Molesey* in *Surrey* to *Kew* in *Kent*; but that all such Powers, Rights, and Authorities now vested in the said Commissioners, shall remain and continue in them solely and exclusively, and no others, in such and the same Manner to all Intents and Purposes as if this Act had not been passed.

Not to
be construed
as to
the
words of
the
Act.

CXLII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to authorize the taking down or removing any Bar, Gate, Rail, or other Fence fixed for preventing any Thoroughfare into or from any Square, Street, or Way, without the Consent of the Owner of the Estate or Property upon which such Bars, Gates, Rails, or other Fences, Squares, Streets, or Ways shall be situate.

Provisions of
the Act not
to extend to
Parishes of
Saint Mary
Islington and
John
Way.

CXLIII. Provided also, and be it further enacted, That neither this Act, nor any Enactment, Clause, Provision, Matter, or Thing herein contained, shall extend or be construed to extend to the Parishes of *Saint Mary Islington*, or of *Saint John at Hackney*, in the County of *Middlesex*, although such Parishes are included in the Weekly Bills of Mortality, but that the said Parishes shall be completely and entirely

entirely exempted therefrom; any thing herein contained to the contrary thereof notwithstanding.

CXLIV. And whereas by an Act passed in the Fifty-sixth Year of the Reign of His present Majesty, intituled *An Act to amend Two Acts made in the Fifty-third Year of the Reign of His present Majesty, for opening a more convenient Communication from Mary-le-bone Park to Charing Crofs, and for paving the Streets to be made in Mary-le-bone Park; and to enable His Majesty to grant small Portions of Land as Sites for public Buildings, or to be used as Cemeteries within the Bills of Mortality*; it was enacted, that it should be lawful for the Commissioners for executing that Act to authorize and permit the building or erecting and making of any Porticoes, Arcades, and other covered Ways projecting from any Buildings or Houses which should or might be built on the Sides of the new Streets, Squares, Circusses, Ways, Courts, Passages, or Places comprised within the Provisions of the said Act, extending over any Footways of the said Streets, Squares, Circusses, Ways, Courts, Passages, or Places, under the Restrictions therein mentioned; and to permit the erecting or making, or continuing or suffering to remain the Fronts of any Houses or Buildings in the said Streets, Squares, Circusses, Ways, Courts, Passages, and Places in such Manner as that some Fronts might recede behind or advance before others, and with Bow Windows or other Projections, and with Virandas, Alcoves, Balconies, Pilasters, Columns, and Shop Windows, or other Projections, under the Restrictions therein mentioned; now therefore be it enacted, That nothing in this Act contained shall extend or be construed to extend to alter, abridge, repeal, or affect any of the said Provisions in the said recited Act of the Fifty-sixth Year of the Reign of His present Majesty contained, or to authorize or empower any Surveyor of Pavements, or other Person or Persons, to remove or alter, or to require the Removal or

Certain Provisions in the Act of the 56G.3.c.128. not to be affected by this Act.

Alteration

Alteration of any Porticoes, Arcades, or other covered Ways, Bow Windows, Virandas, Alcoves, Balconies, Pilaster Columns, Architectural Ornaments, or other Projections which have been heretofore or shall be hereafter authorized or permitted, by the Commissioners for the Time being for executing the said recited Act, to be made in or to any Houses or other Erections which shall have been or shall or may be erected or built in any of the Streets, Squares, Circusses, Ways, Courts, Passages, or Places comprised within the Provisions of the said recited Act of the Fifty-sixth Year of the Reign of His present Majesty.

Houses, &c. within the Parish of Saint Mary-le-bone, in the Line of the New Street, or in Mary-le-bone Park, to be rated at a specific Sum.

CXLV. And whereas by the said last-mentioned Act it was enacted, that such of the Houses, Buildings, Lands, and Hereditaments, which were intended to be taken and used under the Provisions and for the Purposes of the first Act therein recited, as are situate in the Parish of *Saint Mary-le-bone*, and also the Houses and Buildings to be erected on the said Lands, should for ever thereafter, in making any Rates or Assessments for the paving, repairing, watching, lighting, and cleansing the several Streets and other Places in the said Parish of *Saint Mary-le-bone*, be charged and assessed thereto, as being altogether and in the whole of the yearly Rent or Value of Six thousand and eighty-four Pounds, and no more; and that the same should for ever thereafter be charged and assessed and rated at the said yearly Rent of Six thousand and eighty-four Pounds, whether the Rents or Values of the same should be more or less; be it therefore further enacted, That nothing herein contained shall be construed or extend to alter, repeal, or annul the Provisions contained in the said recited Act of the Fifty-sixth Year of the Reign of His present Majesty, with relation thereto; but that all such Houses, Buildings, Lands, and Hereditaments comprised within the Provisions of the said recited Act of the Fifty-sixth Year of His present Majesty's Reign, as
are

are situate within the said Parish of *Saint Mary-le-bone*, shall for all the Purposes of this Act be charged and assessed as being altogether and in the whole of the said yearly Rent or Value of Six thousand and eighty-four Pounds, and no more; and that the said Sum of Six thousand and eighty-four Pounds shall at all Times hereafter, and for all the Purposes of this Act, be deemed and taken to be the annual Rent or Value of all such Houses, Buildings, Lands, and Hereditaments; any thing herein-before contained to the contrary thereof in anywise notwithstanding.

CXLVI. Provided also, and be it enacted, That nothing in this Act contained shall be construed to extend to the Collegiate Church of *Saint Peter Westminster*, which has a Pavement of its own to maintain, or to such Part or Parts of the immediate Close thereof which have been hitherto exempt from Paving Rates; nor to give Power to the Commissioners or Trustees, or other Persons having the Control of the Pavements of any parochial or other District under the Operation of this Act, to purchase or to pull down any Houses, Walls, or Buildings, being Part of the said Collegiate Church, *Westminster School*, and the Buildings thereto appertaining, situate within the ancient Close of the same Collegiate Church, or in *College Street*, *Dean Street*, *Smith Street*, or *The Sanctuary*, and which are adjoining to *Dean's Yard*, or adjoining to any of the Houses contiguous to *Dean's Yard* and the Yards or Play Grounds belonging to the same Houses; any thing herein contained to the contrary thereof in anywise notwithstanding.

Not to extend to the Estates of the Collegiate Church of Westminster contiguous thereto.

CXLVII. Provided also, and be it further enacted, That neither this Act, nor any Enactment, Clause, Provision, Matter, or Thing herein contained, shall extend or be construed to extend to any Turnpike Road or Turnpike Roads, or to any Part of any Turnpike Road or Turnpike Roads, whether the same shall be paved or unpaved, now being in any parochial

Provisions of the Act not to affect Turnpike Roads.

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A.

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 — which may be examined, § cxix.
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—— Water Companies not to lay down any Mains during the Months of December, January, and February, § xii.

—— to allow Plans, Maps, Descriptions, &c. of their Pipes, to be examined by Surveyors of Pavements, who may take Copies or Extracts thereof, § xiii.

—— their Secretaries, Clerks, Surveyors or Inspectors, and Turncocks respectively, to notify their Names and Addresses to Surveyors of Pavements, on Pain of forfeiting £10, § xiv.

—— such Companies may be required by Surveyors of Pavement to repair defective Pipes, &c. Notice in Writing being first given them, § xv.

—— on neglecting such Repairs after Notice given, to forfeit £5 for the First Offence; £8 for the Second; and £10 for the Third and every subsequent Offence, § xv.

—— should such Request for Repairs not be made to the proper Parties, subsequent Information shall be given to them on Pain of incurring like Penalties, § xv.

—— Repairs and Works by such Companies to be executed with all convenient Expedition, on Pain of incurring like Penalties, § xvi.

—— to cause all Rubbish and Obstructions occasioned in Streets by Repairs of Pipes, &c. to be speedily removed, on Pain of forfeiting £5, § xviii.

—— to provide Bars, Watchmen, and other Securities during Repairs of Pavements, to prevent Accidents, on Pain of forfeiting £5, § xix.

—— to place Stand-cocks for supplying Water to the Satisfaction of Surveyors of Pavements, § xxi.

—— Works neglected by them to be executed by Surveyors of Pavements, § xxii.

—— Pavements taken up by them to be relaid by Commissioners of Pavements, who are to be repaid the Charges, § xxiii.

—— the Situation or Position of any of their Pipes or Plugs may be raised or lowered by Commissioners of Paving, § lii.

WESTMINSTER, all Streets within the City of, to be subject to this Act, § i.

—— Commissioners of Sewers of the City of Westminster, exempted from the Operations of this Act, § cxli.

WEST-

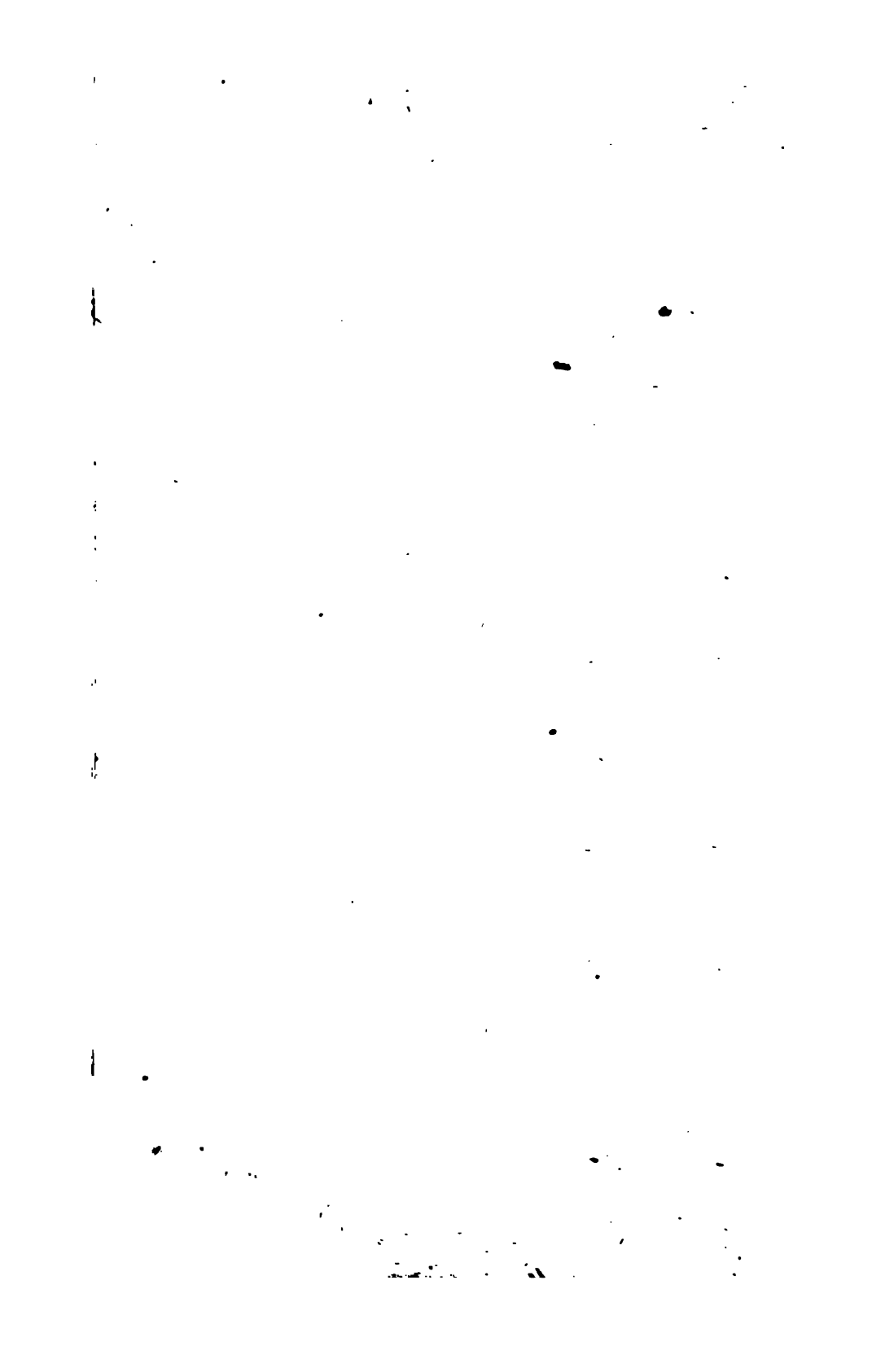
WESTMINSTER, the Estates of the Collegiate Church of Westminster, contiguous thereto, exempt from the Operation of this Act, § cxlvi.

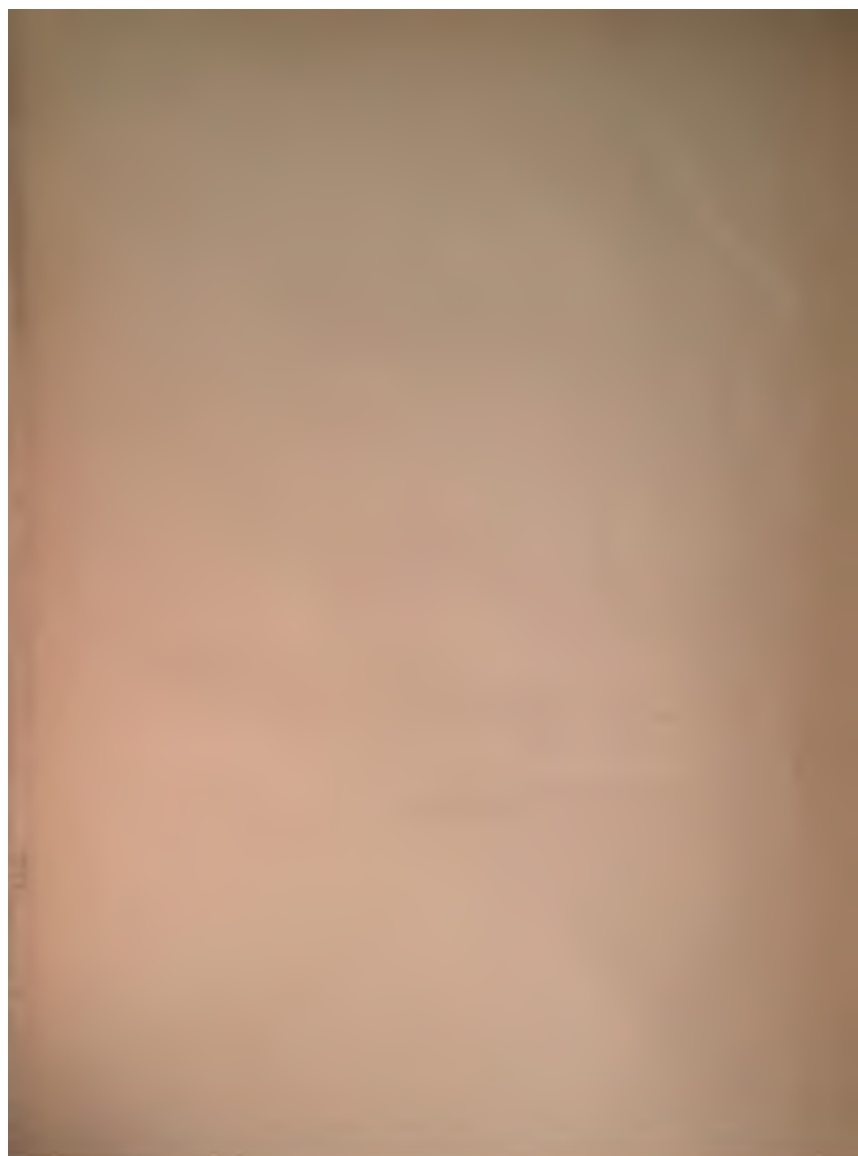
WITNESSES.—Inhabitants may be Witnesses in any Actions, &c. under this Act, § cxxi.

—— the Attendance of Witnesses may be compelled, § cxxviii.

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